

**Agenda****Environmental Protection  
Commission**

(Tuesday) January 20, 1998

1:00 P.M.

Wallace State Office Building, Fourth Floor Conference Room

January 21, 1998 - Legislative Reception from 7:30 - 9:00 A.M.

Fourth Floor Conference Room, Wallace State Office Building

**Public Participation**

1:30 P.M.

*Appointment: Dodger Enterprises - Item #14A*

3:30 p.m.

**Agenda topics**

- |   |                            |
|---|----------------------------|
| 1. Approve Agenda   |                            |
| 2. Approve Minutes of December 15, 1997   |                            |
| 3. Director's Report  | Larry Wilson (Information) |
| 4. Monthly Financial Status Report  | Stan Kuhn (Information)    |
| 5. Toxic Cleanup Days Annual Report to General Assembly   | Roya Stanley (Information) |
| 6. Status of Stockpile Cleanup Implementation - Chapter 218, Waste Tire Stockpile Abatement Program                     | Roya Stanley (Information) |
| 7. Landfill Alternatives Financial Assistance Program Applications  | Roya Stanley (Information) |
| 8. Waste Management Database Integration Contract   | Roya Stanley (Decision)    |
| 9. Landfill Alternatives Financial Assistance Contracts   | Roya Stanley (Decision)    |
| 10. Monthly Reports   | Allan Stokes (Information) |
| 11. 1997 Annual Report. Report of Hazardous Waste or Hazardous Substance Disposal Sites & Hazardous Waste Remedial Fund | Allan Stokes (Information) |
| 12. Proposed Rule--Chapter 22, Air Quality Permits  | Allan Stokes (Information) |
| 13. Notice of Intended Action--Chapter 92, State Revolving Fund (CWA)   | Allan Stokes (Decision)    |

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- |     |  |                          |
|-----|--|--------------------------|
| 14. | Referrals to the Attorney General<br>a) Dodger EnterpriseCo./Don Grell (Fort Dodge)<br>b) Terrance Smith - Hidden Valley Mobile Home Court (Washington County) | Allan Stokes (Decision)  |
| 15. | 1998 Legislation Review  | Don Paulin (Information) |
| 16. | General Discussion   |                          |
| 17. | Address Items for Next Meeting   |                          |

**Next  
Meeting  
Dates**

February 16, 1998

March 16, 1998

April 20, 1998

# ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 20, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

DANNY VEST	GROWMARK, INC.	BLOOMINGTON, IL.
Dean McGoff	D&D Filter	Lanesboro IA
Jane McAllister	Anlers Low Firm	DSM
LINDA KING	IDETS.	DSM
Elizabeth Henner	"	DSM
Bill Snyder	HON INDUSTRIES Inc.	Muscatine
Mike Phillips	By-Product Technologies	MT. Pleasant
Bob Watson	G.R.R.A	Ft Madison
Mark HECKENLIABLE	HON INDUSTRIES	MUSCATINE
Cathy Woollum	MidAmerican Energy	Davenport
STEVE GURR	FES	Cedar Rapids
Phil Yalmon	Bee Rite Tric	State Center
Belmont Mader	Sura	Des Moines
BETH SHONTS	MWA	Des Moines
JERRY FLEBLE	IGIA	DES MOINES
Perry Beerman	DMA	DM

ENVIRONMENTAL PROTECTION COMMISSION

Tuesday, January 20, 1998

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

Mel Puns

UMAD - DNR

Fort Dodge, Ia.

Don E. Gell

Dodger Enterprises

Fort Dodge, Iowa

Ernie Kersten

Lounge for Dodger Enterprises

State Rep. Mike Cormack

Fort Dodge, IA

Bill Shea

The Messenger

Fort Dodge

RECORD COPY EPC Meeting  
File Name ADM-1-1-1  
Scribers Initials QJ January 1998

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**JANUARY 20, 1998**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Ehm at 1:00 p.m. on Tuesday, January 20, 1998, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

William Ehm, Chair  
Randal Giannetto  
Dean McWilliams  
Charlotte Mohr, Secretary  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

### MEMBERS ABSENT

Rozanne King  
Kathryn Murphy

Larry Wilson noted that Kathy Murphy called and said she has a personal conflict and will not be able to attend today. Rozanne King reported last month that she would be absent today as she is on vacation.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment: Don Grell, Dodger Enterprises - Item #14a 3:30 p.m.

*Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Rita Venner. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

*Motion was made by Dean McWilliam to approve the meeting minutes of December 15, 1997 as presented. Seconded by Gary Priebe. Motion carried unanimously.*

APPROVED AS PRESENTED



## **DIRECTOR'S REPORT**

Larry Wilson, Director, noted that he placed at each Commissioner's work area a publication entitled "Comprehensive Environmental Framework for Pork Production Operations." He related that it contains recommendations of the National Environmental Dialogue on Pork Production, and Allan Stokes was a member of that national committee. He reviewed that during a past presentation about the Internet one of the Commissioners asked about the feasibility of placing the EPC meeting minutes on the Internet, and staff are working on doing that and it should be available in 2-3 weeks. Director Wilson noted that tomorrow morning he will present the department's budget to the subcommittee on Appropriations for DALs and DNR, and all Commissioners are welcome to attend.

## **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Attached is the expenditure status report as of 12/31/97 for cost centers, bureaus and divisions within the operations budget.

Several budget adjustments have been made to illustrate the adjustment concept. Explanations of these adjustments are included directly on the report.

When reviewing agency expenditure budgets, it is useful to be aware of other budget dimensions in addition to total dollar amounts. These dimensions are (a) cost behavior in terms of "fixed" or "variable", and (b) time.

Costs are often described as "fixed" or "variable." Costs that are "fixed" typically cannot readily be reduced or deferred within the a near or mid-term time period. Permanent staff salaries, vehicle operating costs, utilities and communications are examples of costs that are considered "fixed." "Variable" costs, on the other hand, are costs that can be quickly reduced or deferred. Typical "variable" costs include seasonal or temporary help, equipment replacement, and supplies.

It is common practice in government budgets to use "variable" cost budgets to compensate for insufficient resources budgeted for "fixed" cost areas. A prudent program manager will typically incur "variable" costs only when reasonably assured that sufficient resources are available to meet "fixed" obligations. That is why equipment replacement, supplies, and routine facility maintenance are sometimes deferred to a subsequent fiscal period or not accomplished.

In addition to dollar expenditure limits, there is a time dimension to budget management. Appropriations and grants are provided for a stated time period. Amounts allocated within an appropriation or grant for "fixed" costs should be programmed so that "fixed" costs are covered during the budget time period. Funds in excess of that needed for "fixed" costs can usually be reprogrammed for "variable" cost items. "Variable" cost items are sometimes decreased or

reprogrammed to meet "fixed" cost obligations when experience indicates the "fixed" cost estimates were insufficient.

This report uses a year-to-date (YTD) method of comparing actual expenditures to budget estimates. As explained last month, the budget YTD estimate can be a function of an mechanical computational formula (algorithm), an estimate by the program manager, or a combination of the two.

As the budget period (usually a year) progresses, the YTD comparison, actual to budget, should become "closer" because of the law of large numbers. Thus, significant variations from "budget" become a greater concern toward the end of a fiscal year. This is for two reasons. First, there is greater probability the variance is due to an inherent difference between actual costs and estimate costs rather than due to a seasonal or timing variation. Secondly, toward the end of a fiscal period, there is a lower probability that unobligated "variable" costs remain elsewhere within the budget to cover a shortfall.

Staff will attempt to respond to any questions or comments regarding budget status at the meeting.

### Monthly Operations Budget Status Report 12/31/97

#### Summary:

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Director's Office/Info & Ed.	1,815,108	2,019,376	2,044,376	973,900	927,466	46,434
Administrative Services Div.	5,178,711	5,662,615	5,807,615	2,736,992	2,529,720	207,272
Parks, Rec. & Preserves Div.	9,188,394	9,196,141	9,182,623	4,618,134	4,882,869	(264,735)
Forests & Forestry Division	2,800,131	2,869,497	2,869,497	1,368,003	1,311,244	56,759
Energy & Geological Division	3,957,613	5,067,391	5,067,391	2,255,206	1,720,167	535,039
EPD Division	18,671,708	19,908,815	19,908,815	9,042,605	7,277,613	1,764,992
FW Division	19,950,233	20,761,728	20,761,728	10,098,720	10,002,616	96,104
WMA Division	1,260,687	1,781,227	1,781,227	785,097	651,787	133,310

#### Director's Office/ Information & Education

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Director's Office & Commissions	326,942	266,371	306,371	146,000	147,154	(1,154)
Permit Compliance Team	71,068	191,045	191,045	94,062	99,348	(5,286)
REAP Program	64,296	14,500	39,500	23,500	21,977	1,523
Policy Coordination	38,338	95,555	55,555	27,033	35,255	(8,222)
Total Director's Office	500,644	567,471	592,471	290,594	303,734	(13,140)
<b>Information &amp; Education Bureau</b>						
I&E General Operations	434,053	435,044	435,044	208,219	203,429	4,790
Conservationist Magazine	334,421	386,552	386,552	183,365	141,083	42,282
Education Center Programs	179,350	192,924	192,924	91,297	86,025	5,272
Aquatic Education	225,247	278,537	278,537	126,516	145,585	(19,069)
Fish and Wildlife Information	31,625	15,458	15,458	7,581	8,507	(926)
Energy Information	42,564	72,674	72,674	34,259	28,975	5,284
Groundwater Education	0	23,044	23,044	9,909	0	9,909
319 Planning Information	41,853	39,672	39,672	19,319	868	18,451
Air Quality Title 5 Information	0	0	0	0	8,069	(8,069)
Education Workshops	3,868	8,000	8,000	2,840	0	2,840
Outdoor Learning	10,608	0	0	0	1,125	(1,125)
Project Wild Expansion	5,122	0	0	0	0	0
Hooked on Fishing	5,753	0	0	0	66	(66)
Total I & E Bureau	1,314,464	1,451,905	1,451,905	683,305	623,732	59,573
Total Director's Office/Info & Ed.	1,815,108	2,019,376	2,044,376	973,900	927,466	46,434

Adjustments: The Director's Office Salaries were increased by \$40,000 and Policy Coordination salaries was decreased by a like amount to segregate legislative liaison costs not eligible for federal indirect cost-share. The REAP printing budget was increased by \$25,000 for the cost of printing related informational materials and ASD central services was decreased by the same amount.

#### Administrative Services Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Budgets and Grants Bureau	347,840	354,057	354,057	171,427	174,939	(3,512)
State Central Services & Indirect	100,908	266,458	241,458	91,050	99,042	(7,992)
Accounting Bureau	780,822	876,116	876,116	396,545	367,333	29,212
Administrative Services Bureau	1,375,216	1,499,918	1,499,918	698,210	618,068	80,142
Central Data Processing Bureau	577,241	770,991	770,991	376,312	287,571	88,741
Licensing Bureau	413,410	325,157	355,157	172,500	182,280	(9,780)
Construction Services Bureau	937,921	908,384	1,048,384	508,151	504,406	3,745
CSB-Park Road Design	75,096	55,212	55,212	27,076	13,354	13,722
Land Acquisition & Mngt Bureau	466,013	494,170	494,170	240,992	233,736	7,256
Division Mngt & Misc.	104,244	112,152	112,152	54,729	48,991	5,738
Special Training & Technology	50,307	0	0	0	0	0
Total Administrative Services Div.	5,178,711	5,662,615	5,807,615	2,736,992	2,529,720	207,272

Adjustments: The Construction Services budget was increased by \$130,000 to reflect anticipated costs related to increased workload, specifically RTO projects. This will be funded by increased charges to related capital accounts.

The License bureau budget was increased by \$30,000 to compensate for vacation payout related to an expected January retirement and increased temporary help for the deer season. The central indirect services budget was decreased by a like amount. An anticipated payout of vacation time in the Administrative Services bureau was managed by moving accrued savings from vacancies to June. This is a "timing" adjustment. The overall ASD salary budget was not changed.

#### Parks, Recreation and Preserves Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Parks Field Management	279,179	206,405	206,405	96,946	112,359	(15,413)
NW District Parks Operations	1,887,414	1,944,884	1,944,884	965,753	1,036,174	(50,421)
NE District Parks Operations	1,895,053	1,843,567	1,843,567	934,909	981,064	(46,155)
SE District Parks Operations	2,188,662	2,176,025	2,176,025	1,103,220	1,181,822	(78,602)
SW District Parks Operations	1,949,955	1,963,125	1,963,125	995,558	1,078,549	(82,991)
Parks & Preserves Programs & Mngt	634,057	672,777	672,777	321,692	314,651	7,041
Endangered Species Grants	0	11,259	11,259	3,941	0	3,941
Preserves Grants	19,311	19,311	5,793	0	0	0
DED Parks Grants	24,411	27,167	27,167	13,189	25,713	(12,524)
Trail Development Grants	46,613	44,850	44,850	21,926	25,161	(3,235)
Cedar Rock	142,227	138,098	138,098	70,025	73,467	(3,442)
Division Management & Misc.	121,094	118,673	118,673	58,075	51,684	6,391
SRF Loan Repayment	418	30,000	30,000	12,900	2,225	10,675
Total Parks, Rec. & Preserves Div.	9,188,394	9,196,141	9,182,623	4,618,134	4,882,869	(264,735)

Note: Staff is considering increasing the estimate for camping receipts to compensate for the apparent insufficiency in this budget. However, the actual estimate and related adjustment has not yet been calculated.

## Forests &amp; Forestry Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Forest Nursery Production	520,144	560,071	560,071	259,072	225,174	33,898
Forest Nursery Services	94,849	96,444	96,444	45,997	43,305	2,692
Shimek Forest	211,443	235,266	235,266	113,490	95,325	18,165
Stephens Forest	164,483	188,023	188,023	91,121	85,145	5,976
Yellow River Forest	256,914	243,229	243,229	117,412	119,624	(2,212)
Loess Hills Forest	173,708	159,082	159,082	76,248	84,144	(7,896)
Nursery & Forests Management	133,151	140,954	140,954	67,431	74,384	(6,953)
Farm Forestry Services	757,125	797,161	797,161	382,745	376,424	6,321
Trees For Kids Video	7,778	0	0	0	0	0
Trees For Kids Project	40,352	30,000	30,000	12,900	357	12,543
Forestry Services Management	303,576	301,841	301,841	144,476	147,776	(3,300)
Division Management	116,230	117,426	117,426	57,112	59,586	(2,474)
Training & Technology	20,378	0	0	0	0	0
Total Forests & Forestry Division	2,800,131	2,869,497	2,869,497	1,368,003	1,311,244	56,759

## Energy &amp; Geological Resources Division

Budget Unit	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Energy Bureau:						
Alternative Fuels	8,263	0	0	0	0	0
Biomass	53,425	89,807	89,807	41,982	40,678	1,304
SIFIC A	66,372	88,791	88,791	40,762	26,657	14,105
SIFIC B	89,377	67,296	67,296	32,862	37,931	(5,069)
SIFIC Innovation Project	91,505	101,250	101,250	49,457	47,986	1,471
ICP- Administration	10,320	0	0	0	0	0
ICP - Marketing	117,177	0	0	0	0	0
ICP - Programming	51,489	0	0	0	0	0
State Energy Program	440,763	648,766	648,766	315,174	275,217	39,957
Soya Diesel	17,118	106,369	106,369	40,005	4,617	35,388
Building Code, Energy	100,654	10,000	10,000	3,500	0	3,500
E-85 Promotion	20,001	0	0	0	0	0
Heating Oil & Propane Program	19,118	18,944	18,944	8,410	7,245	1,165
Energy Advancement	103,886	27,119	27,119	13,137	16,557	(3,420)
Greenhouse Gas	4,566	23,402	23,402	8,191	0	8,191
Greenhouse Gas #3	0	75,000	75,000	26,250	0	26,250
Federal Energy Bank	70	74,419	74,419	27,783	21,515	6,268
Great Lakes Ethanol Grant	72,097	0	0	0	0	0
Energy/Education Study	0	50,000	50,000	17,500	0	17,500
Ethanol Seminar, Council of Gov's.	3,801	21,891	21,891	8,258	12,088	(3,830)
Oil Overcharge - 3 Admin	194,807	297,839	297,839	139,004	101,593	37,411
EPA Risk Assessment Project	45,903	61,859	61,859	22,199	24,352	(2,153)
Rebuild Iowa	114,617	155,129	155,129	56,412	54,892	1,520
Federal Energy Mngt Program	13,859	50,000	50,000	17,500	26,144	(8,644)
Commercial Wind Energy	0	230,000	230,000	80,500	33,329	47,171
Wind Assessment	3,767	4,072	4,072	1,746	1,785	(39)
SEP Climate Wise	0	50,000	50,000	17,500	20,000	(2,500)
Ethanol Market Research	40,691	92,970	92,970	32,540	49,381	(16,842)
Total Energy Bureau	1,683,646	2,344,923	2,344,923	1,000,670	801,967	198,703

## Energy &amp; Geological Resources Division

Bureau Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Geology Bureau:						
Camp Dodge GIS Support	0	24,006	24,006	11,343	0	11,343
Big Springs Modeling	1,658	0	0	0	0	0
Camp Dodge Wetland	17,501	11,450	11,450	4,563	2,138	2,425
Camp Dodge Mapping	27,490	55,967	55,967	30,190	965	29,225
Floyd Cty ADW Project	23,876	23,272	23,272	10,070	128	9,942
Wright Cty ADW Project	0	6,200	6,200	2,666	0	2,666
Wright Cty Water Quality	0	27,000	27,000	10,890	0	10,890
Geology/Mineral Resources	375,633	371,462	371,462	180,401	188,794	(8,393)
Digital Mapping	54,314	100,403	100,403	45,857	39,035	6,822
Wright Cty Monitoring	0	27,683	27,683	12,687	0	12,687
Hydrology/Environment	445,263	488,206	488,206	238,919	227,041	11,878
State Mapping	56,018	22,973	22,973	10,108	3,909	6,199
Pesticide Mngt Project	26,391	41,464	41,464	19,224	5,407	13,817
Geology Information	227,751	238,673	238,673	117,179	112,561	4,618
Big Springs Project	80,138	12,269	12,269	5,812	11,321	(5,509)
Geographical Info System	159,246	221,247	221,247	108,518	60,448	48,070

319 Planning - 91	32,461	42,465	42,465	18,851	9,249	9,602
Wellhead #2	12,284	0	0	0	0	0
319 Planning - 93	118,950	215,546	215,546	87,167	40,175	46,992
Walnut Creek Restoration	82,396	210,490	210,490	80,435	40,651	39,784
Wellhead Protection, EPA	19,421	86,811	86,811	40,303	12,284	28,019
USGS Coop. Agreement	158,641	156,154	156,154	54,654	40,311	14,343
Geology Bureau Mngt	250,772	239,667	239,667	116,526	77,529	38,997
Total Geology Bureau	2,170,204	2,623,408	2,623,408	1,206,362	871,946	334,416
Special Technology Initiative	11,802	0	0	0	0	0
Energy & Geological Div Mngt	91,961	99,060	99,060	48,174	46,254	1,920
Total Energy & Geological Resources Division	3,957,613	5,067,391	5,067,391	2,255,206	1,720,167	535,039

## Environmental Protection Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Water Quality Bureau:						
Wastewater (NPDES) Mngt	604,082	700,467	700,467	331,003	295,555	35,448
Non-Point Pollution Conference	8,000	0	0	0	0	0
Storm Water Permitting	148,935	216,986	216,986	105,184	55,344	49,840
Livestock Permits (C. Office)	269,889	226,667	226,667	110,707	110,409	298
Construction Grants Mngt	12,196	0	0	0	0	0
State Revolving Grant Mngt	242,419	402,537	402,537	196,847	141,124	55,723
GW County Grants Mngt	67,941	59,210	59,210	27,417	26,027	1,390
Iowa River Project	7,011	0	0	0	0	0
Water Monitoring Workshop	0	2,900	2,900	1,171	1,812	(641)
604B Water Planning	150,421	162,264	162,264	78,886	79,150	(264)
Floodplain Regulation & Mngt	296,866	309,073	309,073	150,841	149,972	869
319 Water Planning-90	19,968	0	0	0	0	0
319 Water Planning-91	64,972	55,000	55,000	24,080	25,109	(1,029)
319 Water Planning-92	97,163	80,000	80,000	28,000	10,093	17,907
319 Water Planning-93	136,236	175,000	175,000	61,250	44,137	17,113
319 Water Planning-94	381,140	250,000	250,000	87,500	102,949	(15,449)
319 Water Planning-95	520,493	540,064	540,064	225,612	265,487	(39,875)
319 Water Planning-96	81,698	101,201	101,201	35,533	118,552	(83,019)
319 Water Planning-97	0	50,000	50,000	17,500	19,004	(1,504)
Water Supply Regulation	867,561	1,334,817	1,334,817	615,717	396,079	219,638
Water Rights Administration	124,949	131,410	131,410	63,519	63,156	363
Operator Certification Support	14,273	98,589	98,589	36,518	12,409	24,109
Well Contractor Permits	23,140	42,310	42,310	20,596	15,924	4,672
Animal Study	17,222	0	0	0	0	0
Water Supply-93 Flood	407,004	50,000	50,000	17,500	12,000	5,500
Wastewater-93 Flood	102,657	0	0	0	0	0
Waste Allocation, Watersheds	65,399	0	0	0	0	0
Lab Certification	92,983	156,500	156,500	55,483	37,709	17,774
Stream Watershed Assessment	21,887	30,750	30,750	10,903	20,443	(9,541)
Colliform Study	36,878	0	0	0	0	0
Total Water Quality	4,883,383	5,175,745	5,175,745	2,301,769	2,002,444	299,325
Air Quality Bureau:						
Air Quality Regulation & Planning	1,320,174	1,868,931	1,868,931	850,136	762,871	87,265
Title V, Permitting, Enforcement	5,518,591	4,729,996	4,729,996	2,028,253	1,190,117	838,136
Total Air Quality Bureau	6,838,765	6,598,927	6,598,927	2,878,389	1,952,988	925,401

## Environmental Protection Division(Continued)

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Land Quality Bureau:						
Waste Management	514,322	634,806	634,806	300,125	274,578	25,547
Solid Waste Authorization	48,066	61,983	61,983	29,986	26,565	3,421
GW Professional Registration	26,157	60,993	60,993	25,374	9,926	15,448
UST	214,249	315,756	315,756	152,363	124,710	27,653
LUST Cleanup	588,873	786,139	786,139	374,089	278,495	95,594
Hazardous Waste Sitting	100,542	208,428	208,428	93,189	54,303	38,886
Remedial Activity	14,770	70,221	70,221	34,108	22,472	11,636
AIDEX Monitoring	5,252	6,600	6,600	2,658	0	2,658
Superfund Program Management	172,371	174,045	174,045	85,164	88,467	(3,303)
Multisite, Investigation & Assess.	93,484	55,553	55,553	25,782	57,959	(32,177)
General Motors Site Mngt	2,518	49,834	49,834	24,488	14,371	10,117
Waste Tire Permitting	5,798	1,000	1,000	490	61	429
Emergency Response	203,460	210,899	210,899	103,126	93,497	9,629
BrownFields Task Force	104	25,000	25,000	10,750	516	10,234
BrownFields Development	0	228,208	228,208	93,770	15,137	78,633
LUST Flood Support	305,374	100,000	100,000	35,000	0	35,000

## Environmental Protection Commission Minutes

January 1998

Total Land Quality Bureau	2,295,340	2,989,465	2,989,465	1,390,462	1,061,057	329,405
Legal & Compliance Bureau:						
LUST Cleanup	517,261	529,073	529,073	259,734	266,695	(6,961)
Air Quality-Field Const. & Mngt	0	163,792	163,792	79,940	54,707	25,233
Air Quality-Field Title 5	556,551	474,201	474,201	231,470	179,967	51,503
Wastewater-Field	1,265,477	1,456,572	1,456,572	680,528	648,816	31,712
Water Supply-Field	604,045	646,810	646,810	315,855	300,271	15,584
Waste Mngt-Groundwater	652,276	709,167	709,167	349,555	301,300	48,255
GW(106), Investigations, Surveys	128,665	0	0	0	0	0
Water Supply Technical Asst.	142,676	203,347	203,347	100,643	62,818	37,825
Livestock-Field	200,428	315,200	315,200	155,233	145,213	10,020
Legal/Compliance Mngt	414,960	451,493	451,493	205,263	205,831	(568)
Total Legal & Compliance Bureau:	4,482,339	4,949,655	4,949,655	2,378,221	2,165,618	212,603
EPD Division Mngt & Misc	171,881	195,023	195,023	93,763	95,506	(1,743)
Totals, EPD Division	18,671,708	19,908,815	19,908,815	9,042,605	7,277,613	1,764,992

## Fish and Wildlife Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Law Enforcement:						
NW Enforcement District	952,484	890,300	890,300	435,196	437,559	(2,363)
NW Enf. Boating Safety	0	24,632	24,632	10,847	14,382	(3,535)
NE Enforcement District	1,171,406	1,115,566	1,115,566	544,946	549,072	(4,126)
NE Enf. Boating Safety	0	16,500	16,500	7,775	10,877	(3,102)
SW Enforcement District	772,248	759,342	759,342	370,889	378,110	(7,221)
SW Enf. Boating Safety	0	36,800	36,800	20,669	21,477	(808)
SE Enforcement District	1,016,352	990,455	1,039,535	533,244	530,124	3,120
SE Enf. Boating Safety	0	18,500	18,500	7,955	5,278	2,677
NC Enforcement District	876,134	811,247	862,167	447,247	470,019	(22,772)
NC Enf. Boating Safety	0	27,001	27,001	12,937	9,916	3,021
SC Enforcement District	954,003	922,892	922,892	450,974	522,602	(71,628)
SC Enf. Boating Safety	0	27,370	27,370	13,554	7,649	5,905
Hunter Safety	391,814	358,749	358,749	168,062	229,184	(61,122)
Boating Safety	50,421	358,858	358,858	174,238	72,685	101,553
Snowmobile Safety	34,321	66,742	66,742	32,353	32,572	(219)
Big Creek Range Maint.	7,608	7,000	7,000	3,093	2,160	933
Cons. Law Bureau Mngt	508,464	448,401	348,401	163,495	162,208	1,287
Total Law Enforcement	6,735,255	6,880,355	6,880,355	3,397,474	3,455,874	(58,400)

Adjustments: The salary budget for SE enforcement was increased by \$49,080 and the salary budget for NC enforcement was increased by \$50,920 to cover the cost of sick leave payout for two retirements which have occurred. The salary budget in bureau management was reduced by a like amount. This adjustment did not change the overall enforcement budget.

## Fish and Wildlife

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Fisheries:						
Hatcheries:						
Big Springs Fish Hatchery	210,092	224,012	224,012	105,587	99,864	5,723
Decorah Fish Hatchery	264,824	259,025	259,025	121,823	125,940	(4,117)
Fairport Fish Hatchery	175,826	161,636	161,636	76,602	81,501	(4,899)
Manchester Fish Hatchery	245,034	259,334	259,334	122,794	120,088	2,706
Rathbun Fish Hatchery	529,805	508,707	508,707	242,511	233,939	8,572
Spirit Lake Fish Hatchery	375,265	373,893	373,893	177,382	168,364	9,018
Total Hatcheries	1,800,846	1,786,607	1,786,607	846,699	829,696	17,003
Fisheries Management:						
NW District	573,882	624,889	624,889	309,530	292,568	16,962
NE District	627,250	646,835	646,835	321,182	327,650	(6,468)
SW District	472,316	500,525	500,525	249,679	249,426	253
SE District	526,105	547,152	547,152	274,316	271,931	2,385
Total Fisheries Management	2,199,553	2,319,401	2,319,401	1,154,707	1,141,575	13,132
Fisheries Research:						
Mississippi Monitoring	293,663	340,224	340,224	168,428	142,289	26,139
Aquatic Education Project	117,742	98,576	98,576	48,289	78,382	(30,093)
Milfoil Project	91,159	100,454	100,454	43,418	52,370	(8,952)
Bellevue Fisheries Research	165,970	176,243	176,243	87,930	85,473	2,457
Walleye Fingerling Project	5,000	0	0	0	0	0
Chariton Fisheries Research	260,256	261,182	261,182	131,346	142,671	(11,325)

Cold Springs Fisheries Research	127,595	125,568	125,568	62,698	65,501	(2,803)
Bozeman Project	5,781	5,000	5,000	1,750	0	1,750
Manchester Fisheries Research	120,913	128,448	128,448	64,632	58,554	6,078
Fish Production Drug Study	20,000	20,000	20,000	7,000	20,000	(13,000)
Rathbun Fisheries Research	145,374	167,375	167,375	80,785	66,715	14,070
Spirit Lake Fisheries Research	142,685	138,252	138,252	68,227	68,899	(672)
MARIS Study	0	10,000	10,000	4,300	0	4,300
Total Fisheries Research	1,496,138	1,571,322	1,571,322	768,804	780,854	(12,050)
Fisheries Bureau Mngt	462,734	522,887	522,887	228,097	186,694	41,403
Total Fisheries Bureau	5,959,271	6,200,217	6,200,217	2,998,308	2,938,819	59,489

## Fish and Wildlife Division(Continued)

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Wildlife Bureau:						
Wildlife Area Maint. & Mngt:						
NW District Operations	1,064,883	1,073,625	1,073,625	525,865	534,846	(8,981)
NE District Operations	997,595	981,479	981,479	481,504	491,465	(9,961)
SW District Operations	1,022,495	1,022,862	1,022,862	500,759	490,817	9,942
SE District Operations	1,138,702	1,206,422	1,206,422	591,966	607,690	(15,724)
Wetlands Project Support	24,845	31,872	31,872	15,832	14,849	983
Wildlife Area Maint. & Mngt	4,248,520	4,316,260	4,316,260	2,115,925	2,139,667	(23,742)
Corps WMA Areas, Cond. 5:						
Saylorville Cond 5 WMA	53,064	35,444	35,444	17,683	21,250	(3,567)
DM River Cond 5 WMA	7,661	12,500	12,500	6,787	12,881	(6,094)
Missouri River Cond 5 WMA	0	4,000	4,000	1,720	0	1,720
Red Rock Cond 5 WMA	123,617	161,115	161,115	75,046	56,656	18,390
Coralville Cond 5 WMA	34,526	49,344	49,344	24,170	21,647	2,523
Rathbun Cond 5 WMA	31,576	28,994	28,994	14,374	20,277	(5,903)
Total Corps WMA Mngt	250,444	291,397	291,397	139,779	132,711	7,068
Total WMA Maint. & Mngt	4,498,964	4,607,657	4,607,657	2,255,704	2,272,378	(16,674)
Wildlife Research:						
Boone Research, State	133,860	189,912	189,912	93,315	77,354	15,961
Boone Research, Federal	107,132	130,043	130,043	63,277	46,533	16,744
Charlton Research, State	87,705	75,943	75,943	37,470	27,697	9,773
Charlton Research, Federal	142,046	152,566	152,566	75,072	68,506	6,566
Clear Lake Research, Federal	139,564	139,840	139,840	69,045	77,567	(8,522)
Neotropical Migrant	13,017	0	0	0	0	0
Clear Lake Research, State	98,941	81,749	81,749	40,723	27,961	12,762
Wildlife Diversity Project	201,777	249,505	249,505	119,984	105,783	14,201
Total Wildlife Research	924,042	1,019,558	1,019,558	498,885	431,401	67,484
Wildlife Depredation Mngt	0	172,466	172,466	86,495	40,075	46,410
Wildlife Bureau Mngt & Misc	1,476,832	1,405,378	1,405,378	654,491	668,587	(14,096)
Total Wildlife Bureau	6,899,838	7,205,059	7,205,059	3,495,565	3,412,441	83,124
FW Division Mngt & Misc	355,869	476,097	476,097	207,373	195,482	11,891
Total FW Division	19,950,233	20,761,728	20,761,728	10,098,720	10,002,616	96,104

## Waste Management Assistance Division

Budget Units	FY97 Actual	FY98 O/BDGT	FY98 A/BDGT	FY98 YTD A/BDGT	FY98 YTD Actual	Variance Under(Ovr)
Buy Recycled Business Alliance	0	1,500	1,500	645	0	645
Planning & Grants	138,409	225,863	225,863	95,148	92,868	2,280
Landfill Alternatives	117,871	159,941	159,941	73,500	58,687	14,813
Composting Workshop	13,000	0	0	0	0	0
Waste Mngt Publications	4,240	0	0	0	0	0
Waste Tires Program	38,449	50,188	50,188	24,091	22,702	1,389
Waste Recycling	143,092	252,386	252,386	114,942	123,052	(8,110)
Household Hazardous Waste Adm	224,322	345,299	345,299	146,424	95,976	50,448
Waste Reduction Assistance	98,623	141,870	141,870	67,328	48,791	18,537
WRAP Team	78,063	0	0	0	0	0
Pollution Prevention (WRAP)	47,414	294,192	294,192	120,839	83,736	37,103
Waste Reduction Program	139,848	30,653	30,653	12,557	6,974	5,583
Solid Waste Reduction Grant	2,553	0	0	0	0	0
Sustainable Conference	0	35,000	35,000	12,650	14,000	(1,350)
WMA Division Mngt	214,803	244,335	244,335	116,973	105,001	11,972
Waste Mngt Assistance Totals	1,260,687	1,781,227	1,781,227	785,097	651,787	133,310

Mr. Kuhn reviewed details of the division reports.

Chairman Ehm commented that he likes the format now being used for the reports.

Charlotte Mohr asked why there is no money going into the Big Springs modeling project. Mr. Kuhn replied that funding for that project came from Oil Overcharge Funds which are no longer there.

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## **TOXIC CLEANUP DAYS ANNUAL REPORT TO GENERAL ASSEMBLY**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### Status Report

1.) The Iowa Department of Natural Resources has prepared this annual report for the General Assembly and the Governor. This report cites the results and the cost of the Toxic Cleanup Days as required in Code of Iowa 455F.8. This report also includes a summary of the activities of Regional Collection Centers for the collection and management of household hazardous wastes that are currently operating in Iowa.

### Background Information

Toxic Cleanup Days are one day events for the collection of household hazardous wastes from urban and rural residents of Iowa to ensure proper disposal of these materials. Proper disposal of household hazardous wastes is critical in protecting human health and maintaining safe groundwater.

This report contains detailed information on the Toxic Cleanup Day program, as well as a brief background on household hazardous materials. In 1997, Iowa Department of Natural Resources provided technical and financial assistance for seventeen Toxic Cleanup Day events held throughout Iowa. The events were held in the following counties:

#### **SPRING 1997**

<u>COUNTIES</u>	<u>DATE</u>
Allamakee	May 03
Boone	May 10
Bremer	May 03
Carroll	May 17
Cass	May 17
Crawford	May 17
Howard	May 03
Page & Fremont	May 10
Plymouth	April 26
Poweshiek	May 10
Sac	April 26

#### **FALL 1997**

<u>COUNTIES</u>	<u>DATE</u>
Buchanan	September 13
Iowa	September 06
Lyon	September 20
Pocahontas	September 06
Ringgold	September 20
Wright	September 13



**TOXIC CLEANUP DAY RESULTS FOR 1997**

Total Cost of the Events	\$286,052.95
Cost to the Department	\$237,087.35
Local Cost Share	\$ 48,965.60
Households in Counties Selected for an Event	118,017
Total Event Attendance	1,794
Total Household Representation at Events	2,187
Total Telephone Assistance	1,295
Total Household Participation	3,482
Total amount of waste collected	164,427 Pounds
Average volume of waste collected per individual	80 Pounds
Average Participation Rate Per County	3.18 %

Regional Collection Centers are locally owned and operated programs that assist residents and qualified businesses with the management and disposal of household hazardous wastes on an on-going basis. As the Regional Collection Centers are such an important part of a statewide household hazardous materials management strategy, a summary of the successes of these local programs is included as Attachment I to the Toxic Cleanup Day Annual Report.

Ms. Stanley presented details of the report noting that the TCD program has begun to fund mobile units so it can be done more frequently in some areas and will be more convenient for people.

Charlotte Mohr stated that the department needs to work on those counties who have never had a TCD event.

Ms. Stanley reported that Clayton, Chickasaw, Butler and Decatur are scheduled for an event this Spring, so some progress is being made there.

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**STOCKPILE CLEANUP IMPLEMENTATION STATUS - CHAPTER 218, WASTE TIRE STOCKPILE ABATEMENT PROGRAM**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

Attached is the request for proposal (RFP) that the Department is using to contract for the dismantling and abatement of nuisance waste tire stockpiles.

The RFP provides bidders with the format for submitting a proposal and entering into a contract with the department, contains requirements for successful completion of an abatement project, and lists the criteria that the department will use to determine the successful bidder. While the RFP provided contains some information pertaining to the McAtee Stockpile project, the Department will use this basic RFP format to contract cleanup at all stockpiles.

The Department developed the RFP in accordance with Iowa Administrative Code Chapter 218, "Waste Tire Stockpile Abatement Program." The Commission adopted these administrative rules at its August 18, 1997 meeting; the rules became effective October 15, 1997. The rules established the criteria for the department to follow for prioritizing waste tire stockpile abatement projects, requirements for owners or operators of nuisance stockpile sites, procedures for awarding stockpile abatement and waste tire processing contracts, and guidelines the department may use to seek cost recovery for stockpile abatement activities.

The Department will issue an RFP for each targeted stockpile abatement project as such projects are scheduled, with one contractor to be selected by the Department for each project.

A contractor chosen through the selection process for the dismantling and removal of a nuisance stockpile must meet the following qualifications as listed within the RFP:

- A contractor must have experience in waste tire cleanups, tire processing, or work of a similar nature.
- A contractor must have references indicating their ability to successfully complete projects similar to the work required for the waste tire clean-up projects, and must not have previously defaulted on any clean-up projects.
- A contractor must have a definitive end-market and final disposition for all waste tire materials that are processed through these clean-up projects.
- A contractor must submit a clean-up plan within their bid proposal, with the plan defining the types of equipment to be used, sequence of operations, and time schedule for the successful completion of the clean-up project.

Using the framework established by the rules, the following criteria have been used to select the nuisance stockpiles targeted for clean-up during the Spring of 1998:

- Size of Stockpile - sites chosen have 50,000 or more waste tires, or are smaller sites that are in close proximity to another site of size and priority.

- Nuisance Criteria - sites chosen are susceptible to fire, and pose a significant risk to the environment or to public health safety, or welfare.
- Financial Considerations - sites chosen can be cleaned up with existing funding available to the Department, and some sites may have a cost-share or co-payment provided by the owner.

Through these selection criteria, the Department selected the following stockpiles for abatement activities for the Spring of 1998:

1. McAtee Stockpile, Jefferson - 250,000 waste tires
2. Hollis DeVoe Stockpiles, Chickasaw County (includes four sites totaling 300,000 tires)
3. Madison/Warren County Stockpiles (includes three sites totaling 175,000 tires)

Anticipated total expenditures for abatement projects for these listed projects are \$800,000, with \$1.8 million in funding currently available for stockpile cleanups through July 1, 1998. After July 1st, additional funds will be deposited into the waste tire management fund from receipts received through the road use tax fund. It is anticipated that an additional \$2 million will then be available for stockpile cleanups during fiscal year 1999.

The Department anticipates bringing an initial selection of waste tire stockpile abatement contracts to the Commission for review and potential approval next month, with requests for periodic review of new contracts as additional stockpile abatement projects are scheduled.

(A copy of the RFP is on file in the department's Records Center)

Ms. Stanley reviewed details of the RFP process, the contract and proposed cleanup projects.

Rita Venner asked if staff have any idea what a reasonable amount is when taking bids for a contract.

Ms. Stanley stated that staff figure \$1.00 per tire but it is contingent upon a number of variables.

Brief discussion followed.

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## **LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM APPLICATIONS**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received twenty-seven (27) applications, requesting \$5,793,503 million in financial assistance, for consideration during the December 1997 round of funding. Approximately \$1.9 million is available to award to selected applicants. A summary of each application is attached for the Commission's information.

Application summaries identify the amount and type of funding assistance as requested by the applicant. The appropriateness of the type of financial assistance requested (grant vs. loan) is subject to change based on the following:

Projects eligible to receive grant assistance include: 1) projects that have public education as the primary focus on such topics as waste reduction and recycling; 2) projects that reduce, avoid or eliminate the generation of solid waste at the source; 3) projects that develop new technologies in managing solid waste; and 4) projects that implement an existing solid waste management technology for the first time in Iowa.

Projects eligible to receive zero interest loan assistance include: 1) projects that do not fit any of the above project categories; 2) combustion with energy recovery projects; 3) combustion for volume reduction projects; 4) projects that involve expansions or improvements to an existing facility or operation using existing technologies; and 5) projects that replicate similar projects in Iowa.

Application review is scheduled to be completed by the end of January 1998. It is anticipated that contracts will be presented to the Commission for approval beginning with the March 1998 Commission meeting.

**LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM  
APPLICATIONS RECEIVED -- DECEMBER 1997**

The following table and project proposal summaries were prepared after a brief review of applications submitted for funding consideration. A total of \$5,793,503 was requested by twenty-seven (27) applicants. Project summaries identify the amount and type of assistance as requested by the applicant. The eligibility of the applicant, the project type indicated and the type of funding assistance requested (grant vs. loan) is subject to change pending further application review.

<b>Applicant 1:</b>	Iowa Valley Community College 3702 South Center Street Marshalltown, Iowa 50158	<b>Project Title:</b>	Multi-County Education Coordinator
<b>Request:</b>	\$169,913 -- Grant	<b>Contact:</b>	Bettie Bolar -- (515) 752-4645
<b>Project Type:</b>	Education		
<b>Description:</b>	The applicant is seeking assistance to cost share a waste reduction and recycling education director position serving Marshall and Hardin Counties over a four year period. The education director is responsible for providing a variety of educational activities/programs to help people better understand the need to reduce and recycle solid waste. Education activities/programs will target single family and multiple family households, schools, businesses in both rural and urban areas. The education director		

will network with other education coordinators across the state and design local programs compatible with a variety of existing state wide programs, such as the Iowa Waste Exchange Program, to meet the needs of business and industry.

Grant assistance is requested for wages, printing, postage, travel, and supplies.

The applicant received a \$78,968 grant in 1995 to establish the recycling director position.

<b>Applicant 2:</b>	NorthLand Agency on Aging, Inc. 808 River Street Decorah, Iowa 52101	<b>Project Title:</b>	Reusable Meal Tray Program
		<b>Contact:</b>	Sheri Borcharding (319) 382-2941
<b>Request:</b>	\$15,269 -- Grant		
<b>Project Type:</b>	Waste Reduction At The Source		
<b>Description:</b>	The applicant provides a nutrition program for elderly persons residing in Allamakee, Fayette and Winneshiek Counties through congregate meal site and home delivered meal programs. The applicant currently serves 174,500 meals annually, 62,550 of these are home delivered meals, in disposable container items. The project involves replacing disposable meal items with reusable meal trays, bowls, etc. and compliments current recycling of cardboard, food cans, glass and other recyclables by the agency. The project is expected to divert 10.6 cubic yards of nonrecyclable solid waste from the landfill annually.		
	Grant assistance is requested to assist in the purchase of reusable trays and containers, meal delivery bags, and dishwashers.		
	The applicant has not received previous financial assistance through this program.		

<b>Applicant 3:</b>	Des Moines County Regional Solid Waste Commission 1818 West Burlington Burlington, Iowa 52601	<b>Project Title:</b>	Education Coordinator
		<b>Contact:</b>	Hal Morton (319) 753-8126
<b>Request:</b>	\$132,680 -- Grant		
<b>Project Type:</b>	Education		
<b>Description:</b>	The applicant is proposing to create a new waste reduction and recycling education coordinator position serving Des Moines County. The project involves developing an education center and library at the recycling center. The project will focus on educating the general public, business and industry on solid waste management alternatives to landfilling and to divert potential resources from waste disposal through the practice of waste reduction at the source and recycling. The project will also involve establishing a local waste exchange database for household hazardous materials and non-hazardous materials from business and industry. This database will tie into the statewide Iowa Waste Exchange Program.		
	Grant assistance is requested to assist in funding wages, printing/postage and education		

center construction.

The applicant received a \$155,000 grant in 1990 to establish a curbside and drop-off recycling program.

**Applicant 4:**

City of Ottumwa  
105 East Third Street  
Ottumwa, Iowa 52501

**Project Title:** Recycling and Waste Reduction  
Education

**Request:** \$49,420 -- Grant

**Contact:** Allen May (515) 683-0618

**Project Type:** Education

**Description:** The applicant is requesting funding to cost share continuation of the Public Information Coordinator position for a three year period. Utilizing the City's government access channel, the project will provide continued education efforts targeting the general public, business and industry on solid waste management alternatives leading to a reduction in waste generation and landfilling. Specific shows planned include training videos for business and industry to conduct waste audits, produce a variety of videos on such topics as recycling, waste reduction, household hazardous material programs, etc.

Grant assistance is requested for wages, travel and equipment.

The applicant received a \$256,000 grant in 1990 to construct and operate a regional recycling center and a \$49,662 grant in 1994 to initiate the Information Coordinator position.

**Applicant 5:**

Iowa Recycling Association  
3 East Benton  
Iowa City, Iowa 52240

**Project Title:** Executive Director Position

**Contact:** Andy Ockenfels (319) 351-2848

**Request:** \$193,597 -- Grant

**Project Type:** Education

**Description:** The applicant is seeking assistance to cost share funding a new position to coordinate statewide recycling education activities over a three year period. Specific activities include identification and assessment of recycling education and market development needs of Iowa's education coordinators, develop and promote a statewide coordinated message on waste reduction and recycling, identify existing recycling education resources, best management practices and provide updates of these resources on the IRA website, provide workshops for recycling education coordinators and teachers to utilize the website, best management practices and recycling market development concepts to enhance local programs and other activities to benefit recycling education statewide.

Grant assistance is requested for wages, travel, phone/fax, printing/postage and conference registration and exhibitor fees.

The applicant has not received previous financial assistance through this program.

<b>Applicant 6:</b>	Ash Management Systems, L.C. 2010 South Ankeny Blvd. Ankeny, Iowa 50021	<b>Project Title:</b> Ash Reclamation and Conversion <b>Contact:</b> Jeff Carter (515) 964-6791
<b>Request:</b>	\$287,620 -- Grant	
<b>Project Type:</b>	Research and Development/Demonstration	
<b>Description:</b>	The applicant will test a variety of alternative biomass wastes and agricultural crops raised for fuel, to serve as a fuel in the generation of steam and ultimately the production of electricity. Biomass wastes include construction and demolition materials, non-recyclable light paper mill rejects, sawdust, low end mixed paper waste, etc.	
	Grant assistance is requested for equipment, engineering and a semi trailer.	
	The applicant company has not received previous assistance through this program. Principals of the applicant company have received a:	
	<ol style="list-style-type: none"> <li>1. \$72,152 grant in 1991 for the manufacture of fuel cubes from non-recyclable paper waste;</li> <li>2. \$60,981 grant in 1995 to introduce additional waste material types in the production of fuel cubes</li> <li>3. \$326,850 combination grant/zero interest loan to custom blend a variety of biomass waste streams into a feedstock suitable for gasification leading to the generation and sale of electricity.</li> </ol>	

<b>Applicant 7:</b>	U.T. Tire Recyclers 2510 Bell Ave. Des Moines, Iowa 50321	<b>Project Title:</b> Waste Tires To Crumb Rubber <b>Contact:</b> Rob Jahries (515) 243-3484
<b>Request:</b>	\$448,993 Grant/Loan	
<b>Project Type:</b>	Combination Demonstration and Recycling	
<b>Description:</b>	The applicant is proposing to produce crumb rubber from waste tires and market the final product to local markets. The proposed project also involves expanding processing capabilities to include large off-the-road tires (earthmover tires, tractor tires, heavy equipment tires, etc.). Waste tires are collected statewide.	
	Grant and loan assistance is requested for the purchase and installation of equipment.	
	The applicant has not received previous assistance through this program.	

<b>Applicant 8:</b>	Landfill of North Iowa 15942 Killdeer Avenue Clear Lake, Iowa 50428	<b>Project Title:</b> Wood Waste Processing <b>Contact:</b> Rob Kraemer (515) 357-5452
<b>Request:</b>	\$230,000 -- Grant	
<b>Project Type:</b>	Demonstration	

**Description:** The applicant is proposing to increase wood waste diversion from the landfill by separating incoming loads of wood for processing and marketing shredded wood as animal bedding and mulch products. The applicant is also investigating the beneficial use of shredded waste wood in hog manure composting applications.

Grant and loan assistance is requested for construction of a processing pad, equipment and engineering, legal and administrative costs.

The applicant received a \$140,000 grant in 1991 to construct and equip a regional yard waste composting program.

**Applicant 9:** Rathbun Area Solid Waste Management Commission  
1209 S. 18th Street  
Centerville, Iowa 52544

**Project Title:** Recycling Center Expansion  
**Contact:** Rodger Kaster (515) 437-7279

**Request:** \$141,000 -- Loan

**Project Type:** Recycling

**Description:** The applicant is proposing to construct an addition to the existing recycling center. Current conditions are over crowded in the processing area and processed materials require storing outside in the elements. Incoming materials have consistently increased since the original facility was constructed. The facility processes materials for Appanoose, Wayne and Monroe Counties.

Loan assistance is requested for construction and processing equipment.

The applicant has received a \$107,350 grant in 1992 to establish the recycling center serving the three county region..

**Applicant 10:** Wayne-Ringgold-Decatur Solid Waste Commission  
RR 1, Box 66  
Grand River, Iowa 50108

**Project Title:** Recycling Education Coordinator  
**Contact:** Karen Denny (515) 773-5229

**Request:** \$35,000 -- Grant

**Project Type:** Education

**Description:** The applicant is proposing to create a new recycling educator position to develop and disseminate waste reduction and recycling information to citizens, business, industry and other interested groups within the three county planning area.

Grant assistance is requested for wages, a slid projector and office equipment.

The applicant has not received previous financial assistance through this program.

**Applicant 11:** Buchanan County Conservation Board  
1883 125th Street  
Hazelton, Iowa 50641

**Project Title:** Recycled Playground Education



**Contact:** Harry Graves (319) 636-2617

**Request:** \$26,260 -- Grant

**Project Type:** Education

**Description:** The applicant is proposing to purchase and install two playground areas constructed primarily of recycled content materials. The project will serve as a publicly accessible and permanent "hands on" tools for educating and developing environmental awareness principally for the area's youth. The playgrounds will be incorporated into the applicant's ongoing education programs. The project will promote "closing the loop" message through demonstration of recycled content end products.

Grant assistance is requested for playground equipment purchase and installation.

The applicant has not received previous financial assistance through this program.

**Applicant 12:** Iowa Western Community College  
2700 College Rd., Box 4-C  
Council Bluffs, Iowa 51502

**Project Title:** Environmental Educator Position

**Contact:** Angi Hanson (712) 325-3310

**Request:** \$55,150 -- Grant

**Project Type:** Education

**Description:** The applicant is proposing to establish a new half-time education position on waste reduction and recycling education for seven southwest Iowa counties. Education activities will target the general public, schools, hospitals, and small businesses.

Grant assistance is requested for wages, education materials, travel and professional development (conferences and training).

The applicant has not received previous financial assistance through this program.

**Applicant 13:** BES Industrial Service, Inc.  
6738 6th Street SW  
Cedar Rapids, Iowa 52405

**Project Title:** Post-Industrial Scrap Plastic Recycling

**Contact:** Glen Stouwie (319) 366-7266

**Request:** \$197,293 -- Grant

**Project Type:** Research and Development/Demonstration

**Description:** The applicant is proposing to upgrade and expand processing capabilities for post industrial plastics. With the project implemented, the applicant will be able to process up to 2.5 million pounds of plastic waste. Targeted plastic wastes include but are not limited to ABS, Polystyrene, PVC and Polycarbonate.

Grant assistance is requested for equipment, and a semi tractor trailer.

The applicant received a \$283,000 grant in 1992 to establish a post-industrial plastic waste recycling facility.

<b>Applicant 14:</b>	Creative Composting Concepts 1811 Park Avenue SE Cedar Rapids, Iowa 52403	<b>Project Title:</b>	Home Composting Awareness Campaign
		<b>Contact:</b>	Stacie Johnson (319) 368-6658
<b>Request:</b>	\$75,686 -- Grant		
<b>Project Type:</b>	Education		
<b>Description:</b>	Through a public awareness campaign, the applicant is proposing to divert household organic waste from Iowa landfills by means of promoting backyard composting. The project involves a three phase approach, 1) community composter workshops, 2) subsidize backyard compost bin distributions in selected cities, and 3) conduct a follow-up survey of bin recipients. The project will be implemented in selected cities located in Story County, Linn County, Dubuque County Woodbury County and the Ottumwa-Wapello County Solid Waste Commission planning area.		
	Grant funds are requested for education materials, compost bins and follow-up survey.		
	The applicant has not received previous financial assistance through this program.		

<b>Applicant 15:</b>	Elderbridge Agency on Aging 22 North Georgia - Suite 216 Mason City, Iowa 50401-3435	<b>Project Title:</b>	Reusable Meal Tray
		<b>Contact:</b>	Jeanne Beatty (515) 424-0678
<b>Request:</b>	\$34,048 - Grant		
<b>Project Type:</b>	Waste Reduction At The Source		
<b>Description:</b>	The applicant is proposing to expand the use of reusable meal containers for congregate site and home delivered meal programs. The project will impact 59 meal sites throughout twenty counties in thirteen different planning areas. The project will allow the applicant to use reusable containers as the number of meals served continues to increase.		
	Grant funds are requested for the purchase of reusable containers, insulated tray carriers and dishwasher, including installation.		
	The applicant received an \$87,354 grant in 1996 to initiate the use of reusable containers in their meals program.		

<b>Applicant 16:</b>	Golden Hills Resource Conservation and Development, Inc. 406 South Hwy. 6 Oakland, Iowa 51560-0237	<b>Project Title:</b>	Use of Scrap Tires in Stream Grade Control Structures
		<b>Contact:</b>	Kevin Seevers (712) 482-3029
<b>Request:</b>	\$184,848 -- Grant		
<b>Project Type:</b>	Research & Development/Demonstration		
<b>Description:</b>	The applicant is proposing to design and demonstrate a new use for scrap tires to stabilize degrading stream bottoms that have caused a significant loss in road and bridge infrastructure and farmland in western Iowa alone. Engineering and construction guidelines will be developed and disseminated to the engineering community for		

replication across the state.

Grant assistance is requested wages, travel, supplies, and printing.

The applicant has not received previous financial assistance through this program.

**Applicant 17:**

DuraPave, Inc.  
3704 W. Lincoln Way, Ste. 107  
Ames, Iowa 50014-3401

**Project Title:** Alternative Pothole Repair  
**Contact:** Jolene Hynes (515)233-2632

**Request:** \$498,705 -- Grant

**Project Type:** Research and Development/Demonstration

**Description:** The applicant is proposing to develop and demonstrate an alternative recycled content material for repairing street potholes that is superior to current patch materials. Specific project goals are: 1) determine feasibility of DuraPave as an environmentally sound and marketable process that will reduce landfilled materials and 2) develop a plan to test and market the DuraPave process and product.

Grant assistance is requested for equipment, testing/evaluation, travel, wages, education materials, engineering, and laboratory fees.

The applicant has not received previous financial assistance through this program. Principals of the applicant company have received two previous awards:

1. a \$175,000 grant in 1993 to develop an alternative railroad tie comprised of process scrap tires and other recycled materials; and
2. a \$195,000 grant to produce and test full sized alternative railroad ties as a replacement to creosote treated and concrete ties.

**Applicant 18:**

Midwest Recycling, Inc.  
922 East State Street  
Clarinda, Iowa 51632

**Project Title:** Recycling Facility Expansion  
**Contact:** Martin Vrba (712) 542-3383

**Request:** \$500,000 - Loan

**Project Type:** Recycling

**Description:** The applicant is proposing to acquire additional operating space through purchase of an existing building or new construction. The applicant operates and manages the recycling program for Page County, and serves as a processor and intermediate market for HDPE and PET. The facility currently process approximately 5 million pounds of material annually and with the project capacity will double.

Loan assistance is requested for building expansion.

The applicant has not received previous financial assistance through this program.

<b>Applicant 19:</b>	Southwest 8 Senior Services, Inc. 3319 Nebraska Ave. Council Bluffs, Iowa 51501	<b>Project Title:</b> Reusable Meal Tray Program <b>Contact:</b> Barbara Blocker (712) 328-2540
<b>Request:</b>	\$2,424 -- Grant	
<b>Project Type:</b>	Waste Reduction At The Source	
<b>Description:</b>	The applicant is proposing to purchase and install a dishwasher for sanitizing reusable meal containers used at congregate and home delivered meal sites in southern Page County. This kitchen site serves approximately 70 seniors. Without a dishwasher, reusable meal containers can not be properly cleaned and disposable meal containers will have to be used.	
	Grant assistance is requested for the purchase and installation of a dishwasher.	
	The applicant received two previous awards:	
	<ol style="list-style-type: none"><li>1. a \$6,114 grant in 1992 to implement the use of reusable meal containers in a portion of their eight county service area.</li><li>2. a \$10,501 grant in 1996 to expand the reusable meal container program. The agency serves over 273,000 annually.</li></ol>	
<b>Applicant 20:</b>	Bi-State Regional Comprehensive Solid Waste Management Planning Region 1504 Third Avenue Rock Island, IL 61204-3368	<b>Project Title:</b> Waste Management Public Awareness <b>Contact:</b> Gena McCullough (309) 793-6300
<b>Request:</b>	\$105,890 -- Grant	
<b>Project Type:</b>	Education	
<b>Description:</b>	The applicant is proposing a region-wide public awareness campaign covering such issues as illegal dumping, composting, recycling and household hazardous waste to increase awareness and participation in existing programs. The project will use printed, electronic and other forms of communication to convey a unified message of waste reduction throughout the 6 Iowa and 2 Illinois county planning area.	
	Grant funds are requested for education materials, logo/website development and wages.	
	The applicant has not received previous financial assistance through this program.	
<b>Applicant 21:</b>	Spectrum Industries Thrift Store 206 N. Elm Street Cresco, Iowa 52136	<b>Project Title:</b> Reuse Facility Expansion <b>Contact:</b> Wendy Mihm-Herold (319) 382-8401
<b>Request:</b>	\$83,648 --	
<b>Project Type:</b>	Combination Education & Recycling	
<b>Description:</b>	The applicant is proposing to repair and renovate the existing reuse facility allowing additional reusable items to be accepted and to implement an education program on proper management of household hazardous materials, broken appliances and furniture and "junk" items.	

Grant assistance is requested for education materials. Zero interest loan assistance is requested for building repair and renovation costs.

The applicant has not received previous financial assistance through this program.

<b>Applicant 22:</b>	Industrial Laminates/Norplex, Inc. 665 Lybrand P.O. Box 977 Postville, Iowa 52162	<b>Project Title:</b> Recycled Content Composite Board Development <b>Contact:</b> Scott Loven (319) 864-4227
<b>Request:</b>	\$1,180,128 - Grant	
<b>Project Type:</b>	Research and Development/Demonstration	
<b>Description:</b>	The applicant is proposing to research, develop and market a composite board consisting of waste materials. The composite board would have a market in the construction industry. Waste materials are principally generated by the applicant but other industrial waste in the area has been identified as suitable material for board production. Participation interest has been expressed by these waste generators.	
	Grant assistance is requested to aid in the research and development of the composite board.	
	The applicant has not received previous financial assistance through this program.	

<b>Applicant 23:</b>	Kleinow Pallet Recycling 206 Smith, Box 55 Luana, Iowa 52156	<b>Project Title:</b> Used Pallet Recycling <b>Contact:</b> Jeff Kleinow (319) 539-4220
<b>Request:</b>	\$53,818 -- Loan	
<b>Project Type:</b>	Recycling	
<b>Description:</b>	The applicant proposes to develop a collection system for business and industry as an alternative to landfilling broken pallets or burning them. Collected pallets will be repaired when possible and sold to existing pallet manufacturers. If not repairable, pallets will be dismantled, usable wood will be used to repair other pallets. Non-useable wood will be sold to the public for firewood.	
	Loan assistance is requested for equipment, supplies and building construction.	
	The applicant has not received previous financial assistance.	

<b>Applicant 24:</b>	University of Iowa Hospitals and Clinics 200 Hawkins Drive, C157 GH Iowa City, Iowa 52242-1009	<b>Project Title:</b> Walsh Waste Tracker PRO <b>Contact:</b> Martin Shafer (319) 356-2276
<b>Request:</b>	94,714 -- Grant	
<b>Project Type:</b>	Research and Development/Demonstration	
<b>Description:</b>	The applicant is proposing to demonstrate an integrated computer hardware-software system in the U of I Hospitals and Clinics designed at reducing the generation and	

incineration of regulated medical waste and designed to increase recycling throughout the hospitals and clinics. Goals of a 30% reduction in regulated medical waste and 50% landfill diversion through an expanded recycling program are established. The project is fully transferable throughout Iowa.

Grant assistance is requested for equipment, minor renovation and training/consulting services.

The applicant has not received previous financial assistance through this program.

**Applicant 25:** Western Iowa Tech Community College  
4647 Stone Avenue  
Sioux City, Iowa 51102

**Project Title:** Recycling Education Coordinator  
**Contact:** Bob Schmeckpeper (712) 274-6400

**Request:** \$45,224 -- Grant

**Project Type:** Education

**Description:** The applicant is proposing to establish a new half-time education position on waste reduction and recycling education for nine northwest Iowa counties. Education activities will target small business and industry, institutions and service organizations.

Grant assistance is requested for wages, advertising, travel and professional development (conferences and training).

The applicant has not received previous financial assistance through this program.

**Applicant 26:** Filter Recycling, Inc.  
315 Lake Street  
Cherokee, Iowa 51012

**Project Title:** Oil Filter Recycling Project  
**Contact:** R.J. Baker (712) 225-5739

**Request:** \$844,675 -- Grant

**Project Type:** Research and Development/Demonstration

**Description:** The applicant proposes to construct and operate a used oil filter recycling facility capable of recycling approximately 20 million oil filters annually. Recovered oil and oil filters will be marketed. The project will demonstrate the application of "continuous flow high temperature heat cleaning" technology to the process of recycling oil, oil filters and related oil products.

Grant assistance is requested for building construction, and equipment.

The applicant has not received previous financial assistance through this program.

**Applicant 27:** Scientific Recycling, Inc.  
659 Commerce Street  
Holmen, WI 54636-9300

**Project Title:** Appliance Recycling  
**Contact:** Michael Niles (608) 526-9777

**Request:** \$107,500 -- Loan

<b>Project Type:</b>	Recycling
<b>Description:</b>	<p>The applicant is proposing to establish a white good processing facility in the Des Moines area and provide an environmentally safe way to recycle both commercial and residential white goods.</p> <p>Loan assistance is requested for the purchase of a semi-tractor and trailers, facility rental and equipment.</p> <p>The applicant has not received previous financial assistance through this program.</p>

Ms. Stanley discussed the applications noting

Discussion followed in regard to applications going repeatedly for education and the Commission wondering if it is more or less re-inventing the wheel with duplication of the projects.

<b>INFORMATIONAL ONLY</b>
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## **WASTE MANAGEMENT DATABASE INTEGRATION CONTRACT**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### **I. Project Description**

The Waste Management Assistance Division is seeking approval to hire Technology Services Corporation, a computer database development contractor, to provide an integrated, customizable, and standardized database. The database will serve the Department of Natural Resources' Waste Management Assistance Division and the Department funded Iowa Waste Exchange and Recycle Iowa office.

The Waste Management Assistance Division, the Recycle Iowa office, and the Iowa Waste Exchange are actively seeking to expand markets for recyclables by helping Iowa companies expand and by attracting out-of-state companies to Iowa. The ability to provide companies complete, up-to-date, and timely information on recyclable materials available in Iowa is crucial.

Some of the information that will be available in the new database includes:

#### **Waste Management Assistance Division:**

- local recycling and composting programs
- solid waste planning area comprehensive plans and their goal progress status
- recycling markets
- financial assistance projects funded by the division
- solid waste landfilled and incinerated in Iowa
- household hazardous material collection and education programs

- industrial by-product locations and quantities
- equipment and services vendors

**Iowa Waste Exchange:**

- industrial by-product locations and quantities
- recycling markets
- industrial by-products diverted from Iowa landfills by the waste exchange

**Recycle Iowa:**

- types and quantities of materials recycled in Iowa
- economic impact of Iowa's recycling industry
- financial and technical resources available to assist business and industry

**II. Project Benefits**

The project will result in one standardized database to be used by the three offices. The standardized database will provide many valuable assets including:

- The database will provide the data necessary for Iowa companies to make expansion decisions and for attracting out-of-state companies that use recyclables in the manufacturing of a product. The database will be an essential tool in the development of new recycling markets.
- Data will be much easier to update and maintain resulting in more frequent updates.
- Staff time will be saved by reducing duplication and making the database easy to use.
- Data will be in one central location and not scattered over several different types of databases.
- Data reports will be generated in a more timely fashion and will be more complete.
- Data will be in a format readily available to access through the internet.
- Field staff will have the most current data possible when visiting customers on-site.

**III. Project Background**

The Waste Management Assistance Division, the Iowa Waste Exchange, and the Recycle Iowa office are all funded through tonnage fees that are received by the Department. However because of the varied office locations for these programs, Iowa Waste Exchange at the University of Northern Iowa, Recycle Iowa at the Department of Economic Development, and the remaining Waste Management Assistance Division programs at the Wallace Building, three different sets of databases using three different software programs have been used. The use of three different database programs is resulting in an ever increasing duplication of work by having to maintain similar data in three different databases. Access to data has become difficult and the data is often not complete without including data from all three database which also results in duplication.

The Department issued a Request For Services in October of 1997 to four companies currently on Department of General Services Contract #1680 for furnishing temporary data processing personnel. The Request for Services is attached.



Three proposals were received in response to the Request For Services. Technology Services Corporation was selected to receive the contract with a total budget not to exceed \$82,320. Technology Services Corporation submitted the low bid and has extensive experience in completing similar projects.

**Proposal Selected For Funding:**

<b>Applicant:</b>	Technology Services Corporation 4401 Westown Parkway, Suite 216 West Des Moines, Iowa 50266
<b>Request:</b>	\$82,320

**Other Proposals Received:**

<b>Applicant #2:</b>	CAP Gemini America 500 SW 7th Street, Suite 100 Des Moines, Iowa 50309
<b>Applicant #3:</b>	Technology Services Corporation 4401 Westown Parkway, Suite 216 West Des Moines, Iowa 50266

At this time, the contract is presented to the Commission for approval.

**SPECIAL CONDITIONS AND GENERAL CONDITIONS**

The Contractor agrees to deliver all supplies and perform all services set forth in the attached Special Conditions. The rights and obligations of the parties to this Contract shall be subject to and governed by the Attachments, the Special Conditions and Department of General Services' contract number 1680. To the extent of any inconsistency between the Attachments, the Special Conditions and Department of General Services' contract number 1680 and any specifications or other conditions which are made a part of this Contract by reference or otherwise, the provisions of the Special Conditions and Department of General Services' contract number 1680 shall control. To the extent of any inconsistency between the Special Conditions and Department of General Services' contract number 1680, the provisions of the Special Conditions shall take precedence.

**PROFESSIONAL SERVICES CONTRACT  
CONTRACT NUMBER: 98-9220-08  
SPECIAL CONDITIONS**

THIS AGREEMENT is made by and between the Iowa Department of Natural Resources, (hereafter "Department" or "IDNR"), 502 East 9th Street, Des Moines, Iowa 50319-0034 , an agency of the State of Iowa and Technology Services Corporation (hereafter "Contractor"), an Iowa company.

The Contractor agrees to perform services for the Department and the Department desires to receive and pay for such services, all upon the terms and conditions set forth in this Agreement.

THEREFORE, in consideration of the mutual promises contained in this Agreement and other good and valuable consideration, it is agreed as follows:

**ARTICLE 1**  
**IDENTIFICATION OF CONTRACTOR**  
**IDENTIFICATION OF IDNR CONTRACT OFFICER/PROJECT COORDINATOR**

Contractor is identified as follows:

Name: Technology Services Corporation  
Address: 4401 Westown Parkway, Suite 216  
City/State/Zip: West Des Moines, IA 50266  
Business Telephone: 515/223-6099  
Business Fax: 515/223-6015

Employer Identification: 498-48-9741

IDNR Contract Officer: Jeffrey A. Geerts      Business Telephone: 515/281-8176

Contractor Contract Officer: Steven Tomingo      Business Telephone: 515/223-6099

**ARTICLE 2**  
**PERIOD OF PERFORMANCE**

The Contractor shall provide services under this Agreement beginning on January 20, 1998 and ending on August 1, 1998. Project costs incurred prior to an executed contractual agreement for which payment will be sought, are considered ineligible costs and will not be paid.

**ARTICLE 3**  
**WORK TO BE PERFORMED**

Subject to the terms and conditions set forth in this Agreement, IDNR retains Contractor for the furnishing of services as specifically outlined in Exhibit A entitled "Statement of Work and Milestones" attached hereto, and incorporated by this reference, and for such other tasks as IDNR and Contractor may agree to in writing. Dates associated with such services are specifically outlined in Exhibit A entitled "Statement of Work and Milestones".

The Contractor will analyze the database needs of the Waste Management Assistance Division, the Recycle Iowa Office, and the Iowa Waste Exchange. The Contractor will design, develop, code, test, document, and provide a completed an integrated, customizable, and standardized database system for the Waste Management Assistance Division, the Recycle Iowa

office and the Iowa Waste Exchange as detailed in Exhibit A entitled "Statement of Work and Milestones". The Contractor will provide training on the use and maintenance of the system.

#### **ARTICLE 4**

#### **CONSIDERATION AND PAYMENT**

4.1 FUNDING SOURCE. The sources of funding for this Agreement are the following: waste volume reduction fund, groundwater protection fund, and federal Environmental Protection Agency grant funds.

4.2 RECEIPT OF FUNDS. All payments under this Agreement are subject to receipt by the Department of sufficient State and Federal funds. Any termination, reduction or delay of funds to the Department shall, at the option of the Department, result in the termination, reduction or delay of funds to the Contractor.

4.3 PAYMENT LIMITATION. The total authorized payment under this Agreement is not to exceed \$82,320.00 and services shall be provided at a hourly rate no higher then specified in Exhibit B, Entitled "Budget." It is expressly understood that the maximum amounts to be paid to the Contractor for any item of work or service shall conform to Exhibit A, "Statement of Work and Milestones," and Exhibit B, the "Budget". Any expenses incurred by the Contractor exceeding the amount specified in Exhibit B, must have written approval by the IDNR prior to the expenses being incurred.

4.4 PAYMENT PROCEDURES.

(a) All payments by IDNR shall be subject to receipt by IDNR of requests for payment, in form and content acceptable to IDNR, submitted by the Contractor. The Contractor shall submit to the Department invoices or receipts detailing the hours and types of work actually completed for which reimbursement is being requested.

(b) Invoices or receipts shall be submitted monthly at a minimum. Invoices or receipts dated more then ninety (90) days old will not be accepted for payment.

(c) No costs for which funds will be used can be incurred before the beginning date or after the ending date as set forth in "Article 2 Period of Performance" on page three of this contract.

(d) Contractor shall comply with the State's reimbursement procedures and cost limitations for travel, lodging and other expenditures.

#### **ARTICLE 5**

#### **DEFAULT; REMEDIES OF STATE**

5.1 DEFAULT. The occurrence of any one or more of the following events shall constitute cause for IDNR to declare Contractor in default of its obligations under this Agreement:

- a) non-performance of this Agreement;
- b) a failure of Contractor to make substantial and timely progress toward performance of the Agreement;
- c) a failure of Contractor's work product and services to conform with any

specifications noted herein;

- d) a repeated exhibition of defects in the services delivered by Contractor, causing serious disruption of use or downtime over a six month period;
- e) a breach of any term of this Agreement.

5.2 **NOTICE OF DEFAULT.** IDNR shall issue a written notice of default providing therein a fifteen (15) day period in which Contractor shall have an opportunity to cure, provided that cure is possible and feasible. If, after opportunity to cure, the default remains, IDNR may do one or more of the following:

- a) exercise any remedy provided by law;
- b) terminate Contractor's services.

5.3 **DELAY OR IMPOSSIBILITY OF PERFORMANCE.** Contractor shall not be considered to be in default under this Agreement if performance is delayed or made impossible by an act of God, floods, fires, strikes, and similar events. In each such case, the delay or impossibility must be beyond the control and without the fault or negligence of Contractor.

5.4 **SUBCONTRACTORS.** The fact that delay resulted from a subcontractor's conduct, negligence or failure to perform shall not excuse Contractor from compliance with the terms and obligations of this Agreement.

5.5 **SET-OFF.** Should IDNR obtain a money judgment against Contractor as a result of a default under this agreement, Contractor consents to such judgment being set-off from moneys owed Contractor by IDNR under any other Agreement.

## **ARTICLE 6 GENERAL TERMS AND CONDITIONS**

6.1 **INDEPENDENT CONTRACTOR.** Contractor's status shall be that of an independent contractor. IDNR shall not provide to Contractor an office, support staff, equipment or tools, or supervision beyond the terms of this Agreement.

6.2 **FRINGE BENEFITS.** Because Contractor is an independent business, Contractor is not eligible for any State fringe benefits such as retirement, health or other benefits.

6.3 **TAXES.** IDNR shall not withhold taxes on behalf of Contractor (unless the IDNR is required to do so by the Iowa Department of Revenue and Finance). Contractor shall not be treated as an employee for purposes of federal or state tax purposes.

6.4 **WORKERS' COMPENSATION.** Contractor shall maintain workers' compensation insurance.

6.5 **EQUIPMENT, MATERIALS AND SUPPLIES.** Contractor shall supply, at Contractor's sole expense, pay for all labor, materials, equipment, tools, machinery, and storage of same, water, heat, utilities, transportation, and other facilities and services necessary for the proper execution and completion of this Agreement, whether temporary or permanent and whether or not incorporated or to be incorporated in the work product of Contractor.

6.6 **ACCESS TO RECORDS.** Contractor shall permit the Auditor of the State of Iowa or any authorized representative of the State, and where federal funds are involved, the Comptroller General of the United States or any other representative of the United States Government, to access and examine, audit, excerpt and transcribe any directly pertinent books, documents, papers and records of Contractor relating to orders, invoices, or payments or any other documentation or materials pertaining to this Agreement.

6.7 **RECORDS RETENTION.** All records of Contractor relating to this Agreement shall be retained for a period of three (3) years following the date of final payment or completion of any required audit, whichever is later.

6.8 **SURVIVAL OF CONTRACT.** If any portion of this contract is held to be invalid or unenforceable, the remainder shall be valid and enforceable.

6.9 **GOVERNING LAW.** This Agreement shall be interpreted in accordance with the law of the State of Iowa, and any action relating to the Agreement shall only be commenced in the Iowa District Court for Polk County or the United States District Court for the Southern District of Iowa.

6.10 **WRITING REQUIRED.** No change, modification, or termination of any of the terms, provisions or conditions of this Agreement shall be effective unless made in writing and signed by both parties.

6.11 **NOTICES.** Whenever this Agreement requires or permits any notice or written request by one party to another, it shall be in writing, enclosed in an envelope, addressed to the party to be notified at the address heretofore stated (or at such other address as may have been designated by written notice), properly stamped, sealed and deposited in the United States Mail. Any such notice given hereunder shall be deemed delivered upon the earlier of actual receipt or two (2) business days after posting. The Department may rely on the address of the Contractor as set forth heretofore, as modified from time to time, as being the address of the Contractor.

6.12 **WAIVERS.** No waiver by the IDNR of any default hereunder shall operate as a waiver of any other default or of the same default on any future occasion. No delay on the part of IDNR in exercising any right or remedy hereunder shall operate as a waiver thereof. No single or partial exercise of any right or remedy by IDNR shall preclude future exercise thereof or the exercise of any other right or remedy.

6.13 **HEADINGS.** The headings in this Agreement are intended solely for convenience of reference and shall be given no effect in the construction and interpretation of this Agreement.

6.14 **COMPLIANCE WITH LAWS AND REGULATIONS; DECLARATION OF CONTRACTOR.** Contractor shall comply with all applicable State and federal laws, rules, ordinances, regulations and orders. Contractor declares that it has complied with all federal, state, and local laws regarding business permits and licenses that may be required to carry out the work to be performed under this agreement.

6.15 **COMPLIANCE WITH EE0/AA PROVISIONS.** Contractor shall comply with the provisions of federal, state and local laws, rules and executive orders to insure that no employee or applicant for employment is discriminated against because of race, religion, color, age, sex, national origin, or disability. Contractor shall provide state or federal agencies with appropriate reports as required to insure compliance with equal opportunity laws and regulations. Contractor shall insure that all authorized subcontractors comply with provisions of this clause. A breach of this Article shall be considered a material breach of this Agreement. Failure to fulfill the nondiscrimination requirements of this Agreement may result in cancellation, termination or suspension of this Agreement and the Contractor may be declared ineligible for future state contracts in accordance with administrative rules of the Iowa Department of Management.

6.16 **INDEMNIFICATION AGAINST LOSS OR DAMAGE.** Contractor shall jointly and severally defend, indemnify and hold IDNR, its successors and assigns, harmless from and against any liability, loss, damage or expense, including reasonable counsel fees, which IDNR may incur or sustain by reason of (a) the failure of Contractor to fully perform and comply with the terms and obligations of this contract; (b) Contractor's performance or attempted performance of this Agreement; (c) Contractor's activities with subcontractors and third parties.

6.17 **NON-ASSIGNMENT.** This Agreement may not be assigned without prior IDNR written consent.

6.18 **INTELLECTUAL PROPERTY RIGHTS.** Upon acceptance of IDNR of any intellectual property created as part of Contractor's performance of this Agreement, that property shall become the exclusive, property of IDNR, free from any claim, lien or interest in the intellectual property, and Contractor shall not have any right to disclose or use any portion of an intellectual property created and delivered pursuant to this Agreement.

6.19 **TERMINATION DUE TO NON-APPROPRIATION OR REDUCTION.** If funds anticipated for the continuing fulfillment of this Agreement are at any time not forthcoming or insufficient due to non-appropriation, termination of the program, or reduction in funding level, then IDNR shall have the right to terminate this Agreement without penalty by giving Contractor not less than thirty (30) days written notice. In the event of termination of this

Agreement under this Article, the exclusive, sole and complete remedy of Contractor shall be payment for services rendered prior to termination.

6.20 **TERMINATION.** This Agreement may be terminated in the following circumstances:

a) At IDNR's discretion, without cause, after thirty (30) days written notice to Contractor.

- a) As a result of Contractor's default under this Agreement.
- b) As a result of the termination or reduction of funding to IDNR.

6.21 **JOINT LIABILITY.** If Contractor is a joint entity, consisting of more than one individual, partnership, corporation or other business organization, all such entities shall be jointly and severally liable for carrying out the activities and obligations of this Agreement, and for any default of such activities and obligations.

6.22 **CONFIDENTIALITY.** Some data, policies and activities of IDNR are confidential. Contractor shall preserve the confidentiality of such data, policies and activities which are revealed to Contractor in the performance of this Agreement. Contractor shall maintain procedures for safeguarding such confidentiality. In the event of breach of this provision, IDNR may terminate this Agreement immediately without notice of default and opportunity to cure as otherwise provided in Article 5.2 , and pursue any remedy provided by law.

6.23 **UNALLOWABLE COSTS.** If IDNR determines at any time, whether through monitoring, audit, close-out procedures or by other means that the Contractor has requested reimbursement for costs which are unallowable under the terms of this Agreement, the Contractor will be notified of the questioned costs and given an opportunity to justify questioned costs prior to IDNR's final determination of the disallowance of costs. If it is IDNR's final determination that costs previously paid by the Department are unallowable under the terms of the Agreement, the expenditures will be disallowed and the Contractor shall immediately repay to IDNR any and all disallowed costs.

6.24 **APPROVAL OF SUBCONTRACTS.** IDNR shall approve all subcontracts entered into by Contractor for the purpose of completing the provisions of this Agreement. All such subcontractors shall be procured with adequate attention to the principles of competition and reasonableness of costs. All records relating to subcontracts shall be available for audit or examination as provided in Article 6.6 herein.

6.25 **DOCUMENTS INCORPORATED BY REFERENCE.** The following documents are hereby incorporated by reference:

- c) Exhibit A, "Statement of Work and Milestones" .
- d) Exhibit B, " Budget".

6.26 **ORDER OF PRIORITY.** In the event of a conflict between documents of this agreement, the following order of priority shall govern:

- e) Articles 1 through 6 herein.
- f) Exhibit A, "Statement of Work and Milestones".
- g) Exhibit B, "Budget".

6.27 **INTEGRATION.** This Agreement contains the entire understanding between the Contractor and IDNR and any representations that may have been made before or after the signing of this Agreement, which are not contained herein, are nonbinding, void and of no effect. Neither of the parties have relied on any such prior representation in entering into this Agreement.

**IN WITNESS WHEREOF,** the parties hereto have caused this Agreement to be executed as of the latest date shown below:

**FOR TECHNOLOGY SERVICES CORPORATION: FOR IDNR:**

\_\_\_\_\_  
Darrin Dreyer  
President

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Larry J. Wilson  
Director

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Roya Stanley, Administrator  
Waste Management Assistance Division

\_\_\_\_\_  
DATE

**EXHIBIT A**  
**STATEMENT OF WORK and MILESTONES**

The Contractor will analyze the database needs of the Waste Management Assistance Division, the Recycle Iowa Office, and the Iowa Waste Exchange. The Contractor will design, develop, code, test, document, and provide a completed an integrated, customizable, and standardized database system for the Waste Management Assistance Division, the Recycle Iowa office and the Iowa Waste Exchange as detailed in the milestones below. The Contractor will provide training on the use and maintenance of the system.

Date	Hours	Database Integration Project Phase
January	50	Select database and software standard. After preliminary analysis determine if Microsoft Access or Visual Basic are suitable. Visual Basic provides more structure and flexibility but requires more



		experience to maintain in the future. Both solutions use Access back-end for data with the ability to upgrade to a more sophisticated database solution in the future (i.e. SQL Server) if necessary. In addition, the work will involve reviewing data conversion issues and establishing requirements for connectivity.
January/February	150	Design data structures and update processing system. The analysis will continue while data structures are designed. Analysis will also focus on the best way to inter-connect the systems. After initial discussions, this inter-connection may come from making one large database. Assuming this is the method of choice after the discovery period, there will be time spent in the beginning and again at the end on data conversion.
February/March	150	Build data structures . The databases will be created and tested with revisions. Comparisons to the two existing databases will occur and approval will be obtained concerning the new database. Data structures will be built with integration issues in mind.
March	75	Examine the data contained in each database and determine how to integrate data. There will be basic assumptions made after discussions and exceptions must be handled. Queries and rules that are used here will be used again for final integration of updated data at the end of the project.
March/April	150	Build input forms. Input forms for the data will be created and tested. Approval will be obtained from the three departments concerning each form. Building of forms will be slightly higher if the choice is made to indeed build 3 databases.
May	150	Build output reports. Queries and reports will be created and tested. Approval will be obtained from the three departments.
June/July	350	Conversion, roll out, training phase. Testing and changes will take place during May. The communications and update system will be tested. Time will be set for data conversion and training. There will be a point at which new data cannot be entered to allow for data integration. During June planning for production and require the users to help with reporting any problems and working through final fixes.
Total	1,075	Total hour budget estimate. (Includes one full time systems analyst and a part time senior project leader directing and providing guidance 10 hours per week). The total hours to complete the project may change after initial work and analysis but will not exceed 1,400 hours.

**EXHIBIT B  
BUDGET**

Waste Management Database Integration Project	\$82,320
<b>TOTAL</b>	<b>\$82,320</b>

Michael Bird, Project Leader and Software Engineer  
Rate = \$62 per hour

Jason Plunkett, Systems Analyst  
Rate = \$58 per hour

Ms. Stanley gave a detailed explanation of the proposed database and the related contract.

Chairman Ehm asked what the difference was between Technology Services Corporation and the other applications.

Ms. Stanley responded that Technology Services Corporation proposal was viewed to be the most responsive and the most cost effective.

*Motion was made by Dean McWilliams to approve the Waste Management Database Integration Contract with Technology Services Corporation, as presented. Seconded by Rita Venner. Motion carried unanimously.*

APPROVED AS PRESENTED

## LANDFILL ALTERNATIVES FINANCIAL ASSISTANCE PROGRAM CONTRACTS

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

### **Project Description**

Two contracts are presented for Commission approval regarding a joint waste wood recycling project with statewide impact. HON INDUSTRIES and By-Product Technologies are partnering to implement an economically viable recycling and market development project for waste wood. HON INDUSTRIES is proposing to produce molded pressed wood seat boards from processed recycled waste wood for use in the manufacture of office chairs. This new manufacturing process will result in the annual production of approximately 3 million office chairs requiring several million pounds of processed wood annually. By-Product Technologies will source waste wood statewide, process this material to meet manufacturer specifications and deliver the processed wood to the manufacturer.

The total project cost is estimated to be over \$3.5 million with a Department investment of \$693,000 (\$369,750 grant and \$323,250 loan). The following table breaks out HON INDUSTRIES, By-Product Technologies and Department investments in the waste wood recycling project.

### **DNR Share**

HON INDUSTRIES	\$369,750	Grant
HON INDUSTRIES	\$123,250	Loan

By-Product Technologies	\$200,000	Loan
<b>Local Share</b>		
HON INDUSTRIES	\$2,640,850	
By-Product Technologies	\$186,000	

Several benefits will be realized by the state as project implementation will stimulate the local economy through job creation and materials processing and marketing. Revenues generated at each stage of the project, from collection to processing to end market, will remain in Iowa. The state will realize additional benefits through increased landfill diversion and solid waste reduction goal progress as several million pounds of wood waste will be recycled by this project annually.

### **Project Benefits**

The public-private partnership between HON INDUSTRIES, By-Product Technologies, the Departments of Economic Development and Natural Resources will result in positive solid waste management and economic impacts. The following items demonstrate the importance of implementing the proposed project.

- Creates a new market for processed waste wood that will not compete with existing markets for processed wood waste (i.e., livestock bedding and mulch);
- Creates a stable market for processed waste wood that is not subject to seasonal demand peaks and valleys;
- Allows profits generated from raw material collection, processing and sales and finished product sales to stay in Iowa;
- Creates approximately fifteen (15) new permanent jobs with additional job creation expected as the project moves to full implementation;
- Utilizes 5,000,000 to 15,000,000 pounds of processed wood waste annually as the project moves to full implementation;
- Supports Waste Management Assistance Division strategic planning efforts that identified wood waste as a problem solid waste stream;
- Supports landfill reduction goal efforts in each solid waste planning area as wood waste will be sourced statewide;
- Supports objectives of the State's Buy Recycled campaign, the promotion for consumer purchases of products with recycled content, and the Recycle Iowa Office by creating a new Iowa end market for recycled wood waste; and
- Showcases the use of recycled wood waste in a molded pressed wood application that is transferable throughout Iowa.

At this time, two contracts are presented to the Commission for approval.

**HON INDUSTRIES**

**Award: \$369,750 -- Grant  
million**

**\$123,250 -- Zero Interest Loan**

**Estimated Total Project Cost: \$3.1**

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**ARTICLE IV. SCOPE OF WORK**

- 4.1 ***Project Description.*** The Contractor shall demonstrate the beneficial use of processed wood waste in a moulded pressed wood application.

Upon successful demonstration of this alternative to landfilling, the Contractor shall assist the Department to promote the information gained from this Project to other public and private sector entities. Any information gained or property purchased or constructed as a result of this Project becomes public information.

- 4.2 ***Materials and Markets.*** Materials to be diverted from a sanitary landfill resulting from the Project include: processed waste wood.

A written listing of markets shall be provided to the Department. This listing shall describe the material supplier(s), quantities of processed wood waste received, quantities of wood waste used in the manufacturing process, finished product markets, and marketing strategies shall be reported in the quarterly reports and the interim report as described in *Article IV, Reports*.

- 4.3 ***Permitting.*** The Contractor shall contact the Environmental Protection Division (EPD) of the Department (Phone: 515-281-4367) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall submit plans and specifications for the Project to EPD and shall receive approval in writing from the Department before starting operation of the Project. A copy of the approval from EPD must be provided to the DNR Project Officer.

If the Department determines that a permit or permit amendment is not necessary, a copy of the written confirmation from EPD must be provided to the DNR Project Officer.

- 4.4 ***Public Awareness and Education, Project Promotion.*** The Contractor shall:
- a) conduct at least one (1) multi-media-notified open house for all interested parties after the Project is operational and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) working days prior to the scheduled date of the open house. The Contractor shall inform the public of the Project, the project site and project events through the use of newspapers, newsletters and/or other media within the area served by the Project.
  - b) create brochures and/or flyers to accompany the public awareness and education, and Project promotion activities. These brochures and/or flyers shall be made available throughout the Project Area and shall be provided to the Department as part of the reporting requirements identified below in *Article IV, Reports*, of the Special Conditions.
  - c) make a concerted effort to speak at relevant conferences, workshops, and/or similar events to discuss and promote awareness of the Project.

- 4.5 ***Reports.*** Failure to submit required reports by assigned dates as specified in *Appendix D, Reporting Schedule*, may result in any or all of the following: 1) the withholding of any

or all unspent grant and/or loan funds, 2) Contractor's forfeiture of any retainage funds withheld to date, and 3) the Department terminates the Contract and declares the entire unpaid loan balance and costs of collection immediately due and payable.

Prepayment of loan funds will not alleviate the Contractor of complying with conditions of this Contract, including reporting requirements without prior approval of the Department.

**Quarterly Reports.** The Contractor shall submit quarterly reports on the Project. The quarterly reports are due by the 15th of January, April, July, and October, as stated in *Appendix D, Reporting Schedule*, and shall commence with the beginning date of the *Time of Performance* as identified on the title page of this Contract. Quarterly reports shall provide requested information for the most recently completed calendar quarter. Quarterly reports shall:

1. provide information on public awareness and education and project promotion as requested on the reporting forms in *Appendix B2, Reporting Forms*;
2. provide information on the quantity of processed waste wood used in the Project, supplier(s) of processed waste wood; amount of off-spec processed wood received and actions taken to resolve the situation, amount of post-manufacturing residual material landfilled and/or reprocessed for use in the Project; price per ton of processed wood, market(s) of finished product on the reporting forms found in *Appendix B1*.
3. provide information on job creation including the number of persons hired, brief description of duties performed, average hourly pay, and average hours worked per week.
4. describe briefly new and ongoing Project tasks performed or completed; include applicable dates;
5. describe briefly Project purchases and expenditures;
6. describe any shifting of funds between budget line items to include justification, amount, and impact in compliance with *Article 7.5* of the Special Conditions;
7. describe and discuss briefly the problems encountered in the Project and solutions implemented; and
8. describe and discuss briefly Project successes.

Items two (2) through eight (8) listed above for the quarterly report should be addressed in narrative form.

**Interim Report.** The Contractor shall submit two (2) copies of an interim report on the Project by the date stated on the contract title page. The interim report shall be bound in such a way that it is easily reproducible. The interim report shall include:

1. All information requested on the reporting forms in *Appendix B* and *Appendix C - Costs & Revenues Summary And Employment Summary*. Interim report forms shall summarize the data provided on the quarterly reports. Assess the Project outreach, education, and marketing activities.
2. Detailed description of the process from receipt of processed wood to final product.
3. Assessment of the transferability of the Project to other settings in Iowa.
4. Description and detailed discussion of the problems encountered in the Project and solutions implemented.
5. Description and detailed discussion of Project successes.
6. A pictorial history via slides of the Project. The pictorial history shall document Project development from initiation through construction, start-up, and full implementation to include outreach, education, and marketing. The pictorial history shall be of quality necessary for presentations at conferences, reproduction

in trade journals, and other outlets for dissemination of the Project results. Only one (1) copy of the pictorial history and supporting narrative is required.

7. Copies of all educational materials, marketing materials, brochures, newspaper and magazine articles, press releases, public service announcements, and other written, audio, and pictorial materials used for Project outreach, education, and marketing.

**Disclaimer.** The interim report and any publications pertaining to work performed under this Contract shall contain the following statement:

"This (insert type of material) was prepared with the support of the Iowa Department of Natural Resources Contract Number 98-G550-15TGL. However, any opinions, findings, conclusions, or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views of IDNR."

The Department reserves the right to publish the reports, publications, and publicity once completed by the Contractor and delivered to the Department. Written and oral releases are considered to be within the context of publication rights so reserved by the Department.

#### 4.6 *Project Milestones*

Date	Activity
	Environmental Protection Division contacted to determine permitting requirements
	Building modifications initiated
	Equipment ordered
July 15, 1998	FY 1998 claim vouchers due
	Building modifications complete
	Equipment received and operational
	Project fully operational
	Open House held
	Initial loan repayment due
	Interim Report and Pictorial History due to the Department
July 15, 1999	FY 1999 claim vouchers due
	Final loan repayment due

#### APPENDIX A - PROJECT BUDGET

ITEM	DNR AWARD	COST SHARE	TOTAL COST
Equipment -- grant	\$369,750	\$291,083	\$660,833

Equipment -- loan	123,250	13,700	136,950
TOTAL	\$493,000	\$304,783	\$797,783

Equipment to be purchased:

Compression molding presses and tooling (grant)

Conveying equipment (loan)

Hot oil furnaces and pumps (loan)

### **By-Product Technologies**

**Award: \$200,000 loan**

**Estimated Total Project Cost: \$386,000**

## **ARTICLE IV. SCOPE OF WORK**

- 4.1 ***Project Description.*** The Contractor shall purchase equipment to process waste wood to meet manufacturer's unique specifications and construct a building expansion.

Upon successful demonstration of this alternative to landfilling, the Contractor shall assist the Department to promote the information gained from this Project to other public and private sector entities. Any information gained or property purchased or constructed as a result of this Project becomes public information.

- 4.2 ***Materials and Markets.*** Materials to be diverted from a sanitary landfill resulting from the Project include: waste wood.

A written listing of markets shall be provided to the Department. This listing shall describe the method and cost of processing each material; method of delivery of each material to market; and market price received for each material. Any changes in materials collected, received, materials, processing, markets, and marketing strategies shall be reported in the quarterly reports and the interim report as described in *Article 4.6, Reports*.

- 4.3 ***Permitting.*** The Contractor shall contact the Environmental Protection Division (EPD) of the Department (Phone: 515-281-4367) to determine if a permit or permit amendment is necessary from the Department. If a permit or permit amendment is required, the Contractor shall submit plans and specifications for the Project to EPD and shall receive approval from the Department before starting operation of the Project. If the Department determines that a permit or permit amendment is not necessary, a copy of the written confirmation from EPD must be provided to the DNR Project Officer.

- 4.4 ***Public Awareness and Education, Project Promotion.*** The Contractor shall:
- a) conduct at least one (1) multi-media-notified open house for all interested parties after the Project is operational and will encourage media visits at other times. The Contractor shall notify the Department of the open house no later than thirty (30) working days prior to the scheduled date of the open house. The Contractor shall

- inform the public of the Project, the project site and project events through the use of newspapers, newsletters and/or other media within the area served by the Project.
- b) create brochures and/or flyers to accompany the public awareness and education, and Project promotion activities. These brochures and/or flyers shall be made available throughout the Project Area and shall be provided to the Department as part of the reporting requirements identified below in *Article IV, Reports*, of the Special Conditions.
  - c) make a concerted effort to speak at relevant conferences, workshops, and/or similar events to discuss and promote awareness of the Project.
- 4.5 **Reports.** Prepayment of loan funds will not alleviate the Contractor of complying with conditions of this Contract, including reporting requirements without prior approval of the Department.

Failure to submit required reports by assigned dates as specified in *Appendix D, Reporting Schedule*, may result in the withholding of any or all unspent funds and may be cause for the Department to terminate the Contract and to declare the entire unpaid balance and costs of collection immediately due and payable.

**Quarterly Reports.** The Contractor shall submit quarterly reports on the Project. The quarterly reports are due by the 15th of January, April, July, and October, as stated in *Appendix D, Reporting Schedule*, and shall commence with the beginning date of the *Time of Performance* as identified on the title page of this Contract. Quarterly reports shall provide requested information for the most recently completed calendar quarter. Quarterly reports shall:

1. provide information on tons of waste wood processed and residuals landfilled, and tons of processed wood transported to Project Area as requested on the reporting form in *Appendix B.1*;
2. provide information on job creation including the number of persons hired, brief description of duties performed, average hourly pay, and average hours worked per week.
3. provide information on public awareness and education and project promotion as requested on the reporting form in *Appendix B.2*;
4. provide information on contamination rate of waste wood received from suppliers and actions taken to reduce contamination;
5. provide market information as requested in *Article 4.2*.
6. describe briefly new and ongoing Project tasks performed or completed; include applicable dates;
7. describe briefly Project purchases and expenditures;
8. describe any shifting of funds between budget line items to include justification, amount, and impact in compliance with *Article 7.5* of the Special Conditions;
9. describe and discuss briefly the problems encountered in the Project and solutions implemented; and
10. describe and discuss briefly Project successes.

Items three (3) through ten (10) listed above for the quarterly report should be addressed in narrative form.

**Interim Report.** The Contractor shall submit two (2) copies of an interim report on the Project by the date stated on the contract title page. The interim report shall be bound in such a way that it is easily reproducible. The interim report shall include:

1. A summary of all information requested on the reporting forms in *Appendix B.1 and B.2*, and *Appendix C - Costs & Revenues Summary And Employment*



*Summary.* Interim report forms shall summarize the data provided on the quarterly reports.

2. Assess the Project outreach, education, and marketing activities.
3. Detailed description of waste wood processing operation from receipt of raw material to delivery of finished product, include a drawing of the layout of the processing operation.
4. Assessment of the transferability of the Project to other settings in Iowa.
5. Description and detailed discussion of the problems encountered in the Project and solutions implemented.
6. Description and detailed discussion of Project successes.
7. A pictorial history via slides of the Project. The pictorial history shall document Project development from initiation through construction, start-up, and full implementation to include outreach, education, and marketing. The pictorial history shall be of quality necessary for presentations at conferences, reproduction in trade journals, and other outlets for dissemination of the Project results. Only one (1) copy of the pictorial history and supporting narrative is required.
8. Copies of all educational materials, marketing materials, brochures, newspaper and magazine articles, press releases, public service announcements, and other written, audio, and pictorial materials used for Project outreach, education, and marketing.

**Disclaimer.** The interim report and any publications pertaining to work performed under this Contract shall contain the following statement:

"This (insert type of material) was prepared with the support of the Iowa Department of Natural Resources Loan Contract Number 98-G550-14TL. However, any opinions, findings, conclusions, or recommendations expressed herein are those of the author(s) and do not necessarily reflect the views of IDNR."

The Department reserves the right to publish the reports, publications, and publicity once completed by the Contractor and delivered to the Department. Written and oral releases are considered to be within the context of publication rights so reserved by the Department.

#### 4.6 *Project Milestones*

Date	Activity
	Environmental Protection Division contacted to determine permitting requirements
	Building modifications initiated
	Equipment ordered
July 15, 1998	FY 1998 claim vouchers due
	Building modifications completed
	Equipment received and operational
	Project fully operational
	Open House held
	Initial loan repayment due

	Interim Report and Pictorial History due to the Department
July 15, 1999	FY 1999 claim vouchers due
	Final loan repayment due

### APPENDIX A - PROJECT BUDGET

ITEM	DNR AWARD	COST SHARE	TOTAL COST
Equipment	\$200,000	61,000	\$261,000
Building Construction	0	125,000	125,000
TOTAL	\$200,000	\$186,000	\$386,000

Equipment to be purchased:

Grinder  
Screener  
Loader

Conveyors, separators, electrical supplies  
Walking floor trailer  
Semi tractor

Ms. Stanley gave a description of both contracts which are associated with one project. She noted that the project will result in the implementation of a new process that will use waste wood in place of new wood in the creation of office furniture.

Dean McWilliams questioned whether there is a market for three million office chair bottoms.

Ms. Stanley stated that she would have to refer to the corporation but would expect they have done some market research on it.

Randal Giannetto asked if there are any guarantees the wood will come from Iowa landfills rather than Illinois or other state's landfills.

Ms. Stanley stated that there are representatives present from HON Industries and asked one of them to address that question.

#### Mark Heckenliable - HON Industries

Mark Heckenliable, Senior Project Manager with HON, stated that HON specifically sought out an Iowa company for the supplier on this project. He related that they are part of the Great River Regional Waste Authority.

*Motion was made by Rita Venner to approve the Landfill Alternative Financial Assistance Program Contracts with HON Industries and By-Product Technologies. Seconded by Terrance Townsend. Motion carried unanimously.*

APPROVED AS PRESENTED

## PUBLIC PARTICIPATION

Chairman Ehm announced public participation at 1:35 p.m.; no one requested to speak.

## MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

## RULEMAKING STATUS REPORT

January 1, 1998

Proposal	Notice to Comm.	Notice Publish	Rules Review Comm.	Hearing	Final Summary to Comm	Rules Adopted	Rules Publish	Rules Review Comm	Rule Effective
1. Ch. 20, 22, 23, 24, 25, 28, 29 & 31 - Air Quality Rules	12/15/97	1/14/98	*2/3/98	*2/13/98	*3/16/98	*3/16/98	*4/08/98	*5/4/98	*5/13/98
2. Ch. 22 - Air Quality Permits	*2/16/98	*3/11/98	*4/06/98	*4/ /98	*5/18/98	*5/18/98	*6/17/98	*7/06/98	*7/22/98
3. Ch. 44 - Drinking Water Revolving Fund	8/18/97	9/10/97	10/07/97	10/7,13-17/97	12/15/97	12/15/97	1/14/98	*2/03/98	*2/18/98
4. Ch. 49, 64 and 69 - Nonpublic Water Well Construction and Private Sewer System Construction Standards	10/20/97	11/19/97	12/08/97	12/9-11, 15 & 17/97	*2/16/98	*2/16/98	*3/11/98	*4/06/98	*4/15/98
5. Ch. 50, 51, and 52 - Agricultural Drainage Wells	8/18/97	9/10/97	10/07/97	10/7,8,10/97	12/15/97	12/15/97	1/14/98	*2/03/98	*2/18/98
6. Ch. 65 - Animal Feeding Operations	7/21/97	8/13/97	9/08/97	9/2-4,8,9,11/97	11/17/97	11/17/97	12/18/97	1/06/98	*1/21/98
7. Ch. 92 - State Revolving Fund	1/20/98	*2/11/98	*3/09/98	*3/ 98	*4/20/98	*4/20/98	*5/20/98	*6/09/98	*6/24/98

8. Ch. 102 and 103 - Solid Waste	12/15/97	1/14/98	*2/03/98	*2/04/98	*3/16/98	*3/16/98	*4/08/98	*5/04/98	*5/13/98
9. Ch. 134 - Registration of Groundwater Professionals	10/20/97	11/19/97	12/08/97	-----	*2/16/98	*2/16/98	*3/11/98	*4/06/98	*4/15/98

## VARIANCE REPORT

No.	Facility	Program	Engineer	Subject	Decision	Date
1	Barilla America-Ames	Air Quality		Permit Requirements	Partial Approval	12/01/97
2	Blackhawk Foundry & Machine Co., Inc.-Davenport	Air Quality		Permit Requirements	Approved	12/01/97
3	Henning Wood, Inc.-Postville	Air Quality		Trade Waste	Approved	12/17/97
4	Lennox Industries-Marshalltown	Air Quality		Permit Requirements	Approved	12/01/97
5	Lennox Industries-Marshalltown	Air Quality		Permit Requirements	Approved	12/01/97
6	Manildra Energy-Hamburg	Air Quality		Permit Requirements	Denied	12/01/97
7	New Hampton Municipal Light Plant	Air Quality	Associated Consultants Engineers, Inc.	Permit Requirements	Approved	12/01/97
8	Pella Corporation-Story City	Air Quality		Permit Requirements	Approved	12/01/97
9	Sauer-Sundstrand Company-Ames	Air Quality		Trade Waste	Approved	12/08/97
10	Vermeer Manufacturing Company-Pella	Air Quality		Permit Requirements	Partial Approval	12/08/97
11	Roquette America-Keokuk	Air Quality		Permit Requirements	Approved	12/08/97
12	Eldora, City of-Pine Lake Area	Wastewater Construction	Howard R. Green Company	Site Separation	Approved	12/01/97
13	Mount Pleasant, City of	Wastewater Construction	French-Reneker Associates, Inc.	Grit Chambers	Approved	12/16/97
14	Viking Lake State Park, Beach Area-Montgomery County	Wastewater Construction	Veenstra & Kimm, Inc.	Detention Time-Lagoons	Approved	12/23/97
15	Davenport, City of	Flood Plain	City Engineer	Freeboard	Approved	12/10/97
16	Cargill, Inc. Landfill (Closed)-Monroe County	Solid Waste	Howard R. Green Company	Groundwater Monitoring	Approved	12/29/97
17	Des Moines #4 Construction and Demolition Site-(Euclid Avenue)	Solid Waste	Environmental Resource Services	Permit Exemptions	Denied	12/19/97
18	Des Moines #4 Construction and Demolition Site-(Euclid Avenue)	Solid Waste	Environmental Resource Services	Gas Control	Approved	12/19/97
19	Brushy Creek State Park-Webster County	Watersupply Construction	Eric Horlyk	Installation Procedures	Denied	12/01/97

20	Clay County Rural Water System-East Okoboji Lake	Watersupply Construction	DeWild Reckert and Associates	Grant and Design Basis	Approved	12/12/97
21	Country View Subdivision-Kalona	Watersupply Construction	Van Winkle-Jacob Engineering, Inc.,	Construction Materials	Approved	12/12/97
22	Madrid, City of	Watersupply Construction	Gjersvik & Associates, Inc.	Installation Procedures	Approved	12/22/97
23	Poweshiek Rural Water System-Tama County	Watersupply Construction	Bartlett and West	Water Monitoring	Approved	12/10/97

#### Monthly Spill Report - December 1997

From December 1, 1997, through December 31, 1997, 52 reports of hazardous conditions were received. A general summary and count by field office is presented below.

Month	Total Incidents	Petroleum Product	Agri - Chemical	Other Chemicals	Handling and Storage	Pipe-line	High-way Incident	RR Incident	Fire	Other
Oct.	70(52)	37(28)	17(10)	16(14)	28(31)	6(0)	28(13)	5(4)	0(0)	3(4)
Nov.	44(33)	25(18)	9(9)	10(6)	15(16)	3(0)	23(12)	2(2)	0(0)	1(3)
Dec.	52(33)	27(20)	19(3)	6(10)	21(16)	4(1)	22(12)	4(0)	0(1)	1(3)

(numbers in parentheses for the same period in fiscal year '97)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
7	8	5	6	16	10

#### ENFORCEMENT STATUS REPORT

The following new enforcement actions were taken last month:

<u>Name, Location and Field Office Number</u>	<u>Program</u>	<u>Alleged Violation</u>	<u>Action</u>	<u>Date</u>
LeRoy Wulf, Des Moines Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty \$2,500	12/12/97
Richard Formanek, Garner (2)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	12/12/97
Austin J. DeCoster, Nursery #8, Wright Co. (2)	Wastewater	Prohibited Discharge	Order/Penalty \$1,000	12/12/97
Iowa Select Farms, L.P., Sow Farm #8, Wright Co. (2)	Wastewater; Hazardous Condition	Prohibited Discharge; Remedial Action	Order/Penalty \$3,000	12/12/97
Austin J. DeCoster, Sow #3, Hamilton Co. (2)	Wastewater	Prohibited Discharge	Referred to AG	12/15/97

Organic Technologies Corp.; Tim Danley; Ken Renfrow; Mike Danley, Warren Co. (5)	Solid Waste	Permit Violations	Referred to AG	12/15/97
Stokely USA, Inc., Ackley (2)	Wastewater	Prohibited Discharge	Order/Penalty \$10,000	12/16/97
Meadow Gold Dairies, Perry (5)	Wastewater	Pretreatment	Order	12/16/97
Perry, City of	Wastewater	Pretreatment; Limits	Discharge Order/Stipulated Penalties	12/16/97
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas, Marion Co. (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$2,000	12/17/97
Wellman, City of (6)	Wastewater	Compliance Discharge Limits	Schedule; Order	12/17/97
Doug Renze, Sac Co. (3)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	12/23/97
Irvin Leichty, Henry Co. (6)	Wastewater	Prohibited Discharge	Order/Penalty \$3,000	12/23/97
Sac City, City of (3)	Wastewater	Discharge Limits	Order/Penalty \$4,000	12/23/97
Renwick, City of; Galen Engstrom, Renwick (2)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty \$700	12/23/97
Rockwell City, City of (3)	Wastewater	Discharge Limits	Order/Penalty \$10,000	12/23/97
Plainfield, City of (1)	Drinking Water	MCL - Bacteria	Order	12/29/97

## ATTORNEY GENERAL REFERRALS

Name, Region Number	Location and Program	Alleged Violation	DNR Action	New or Updated Status	Date
Advanced Technologies Corp. Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred	6/20/97
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred	5/29/96

Buringrud, Mark d/b/a Carpenter Bar and Grill Carpenter (2)		Drinking Water	Monitoring/ Reporting- Bacteria, Nitrate	Order/Penalty	Referred	11/17/97
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DeCoster, A.J. Wright Co. UPDATED	(2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Defendant's Pre-Answer Motions Filed State's Resistance Filed Order Denying Defendant's Motion Defendant's Motion for Separate Trials State's Resistance Filed Defendant's Answer Defendant's Reply to Resistance State's Supplement to Resistance State Brief Hearing on Motion for Separate Trials Order Denying Defendant's Motion Defendant's Motion to Compel State's Motion to Extend Pleadings Hearing Order Denying Defendant's Motion Order Granting State's Motion Defendants Motion for Reconsideration Order Denying Defendant's Motion State's Motion to Compel Hearing Order Granting State's Motion Trial  Closing Arguments Post Trial Briefs Ruling (\$59,000/Civil) Defendant 179(b) Motion Defendant's Notice of Appeal Defendant's Brief Filed Defendant's Amended Brief Filed	7/17/95 1/23/96 3/06/96 3/27/96 4/12/96 4/19/96 4/29/96 5/01/96 5/06/96 5/30/96 5/31/96 6/03/96 6/28/96 10/03/96 10/15/96 10/21/96 10/28/96 10/28/96 11/06/96 11/21/96 11/27/96 12/20/96 12/20/96 1/28/97- 2/06/97 2/11/97 2/21/97 3/05/97 3/28/97 4/04/97 9/05/97 9/24/97 4/04/97 9/05/97 9/24/97
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DeCoster, A.J. Nursery Unit #3 Wright Co. (2)		Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
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DeCoster, Austin J. Sow Unit #1 UPDATED	(2)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed State's Motion to Change Venue State's Motion to Consolidate Order Granting Motions Amended & Substituted Petition Filed Trial Date Defendant's Motion for Partial Summary Judgment State's Resistance Filed State's Motion for Partial Summary Judgment Hearing on Defendant's Motion for Partial Summary Judgment Defendant's Resistance to State's Motion for Partial Summary	1/22/97 4/24/97 4/28/97 4/28/97 4/28/97 5/19/97 9/16/97 7/14/97  7/31/97 8/04/97  8/11/97 8/19/97

					Judgment	
					Hearing on State's Motion for Partial Summary Judgment	8/25/97
					Ruling Denying Defendant's Motion for Partial Summary Judgment	9/02/97
					Ruling Granting State's Motion for Partial Summary Judgment	9/04/97
					Trial	9/16-18/97
					Defendant's Post Trial Brief	10/20/97
					Plaintiff's Proposed Findings and Conclusions	11/19/97
					Defendant's Response	12/04/97
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DeCoster, Austin J. Sow Unit #1; Nursery Unit #7 Wright Co. (2)		Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	6/20/97
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DeCoster, Austin J. Nursery Unit #4 Wright Co. (2)		Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	8/18/97
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DeCoster, Austin J. Sow Unit #3 Hamilton Co. (2) NEW		Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	12/15/97
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Economy Solar Corp. Ft. Madison (6)		Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Ruling (\$1,600/Civil & Injunction) Notice of Appeal Voluntary Dismissal	3/21/94 8/29/94 11/06/95 11/30/95 1/03/96 4/11/96
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Economy Solar Corp./Central Community School DeWitt UPDATED	(6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/17/95 1/03/97 3/23/98
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ESCORP/Cryotech Ft. Madison UPDATED	(1)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date	7/17/95 4/11/97 3/02/98
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Hahn, Oscar Solon (6)		Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	12/18/95 4/18/96 11/01/96
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Home Asbestos & Lead Abatement Services; Robert G. Condon West Des Moines (5)		Air Quality	Asbestos	Order/Penalty	Referred	10/20/97



Humiston, Fred d/b/a Cedar River Trailer Park Letts (6)	Drinking Water	MCL-Nitrate	Referred to Attorney General	Referred	9/16/96
Huyser, James; Trust Trucking Lovilia (5)	Under- ground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Larson, Daryl Clinton Co. (6)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	10/20/97
Martinez, Vincent d/b/a Martinez Service Davenport (6)	Sewer Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94
McKernan, Brian d/b/a Hickory Grove Mobile Home Park Roland (5)	Waste- water	Discharge Limits; Monitoring & Reporting	Order/Penalty	Referred	1/22/97
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5) NEW	Solid Waste	Permit Violations	Referred to Attorney General	Referred	12/15/97
Orrie's Supper Club, Inc. Hudson (1)	Drinking Water	Monitoring/ Reporting; Lead & Copper	Order/Penalty	Referred	10/16/95
Owens & Owens Realty, Inc. Wilton (6)	Under- ground Tank	DNR Defendant	Defense	Petition Filed Answer Filed	3/29/96 4/19/96
Papetti's of Iowa Food Products, Inc. Taylor Co. (4)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	1/22/97
Postville Pork Postville (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	5/20/96 7/09/97
Reed, Verna and Don; Andrea Silsby Union Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default	6/20/94 8/10/94 12/12/94

# Environmental Protection Commission Minutes

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Relative, Inc.; Doug Smuck Des Moines (5)	Under- ground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
R.V. Hopkins Davenport (6)	Air Quality	Emission Violations	Order/Penalty	Referred	5/21/97
Schoenberr, R.B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred	6/20/97
Stickle Farms, Inc. Linn Co. (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	4/21/97
Tracy, Ronald d/b/a TRACE, Inc. Howard Co. (1)	Waste- water	Prohibited Discharge	Referred to Attorney General	Referred	11/17/97
Underwood, Paul d/b/a Underwood Excavating and Demolition Cedar Rapids (1)	Air Quality	Asbestos	Order/Penalty	Referred Motion for Judgment	5/15/95 8/15/96
Williams, Dean d/b/a Williams Oil Co. Stuart (4)	Under- ground Tank	Site Assessment	Order/Penalty	Referred	10/20/97

## CONTESTED CASES

<u>Date Received</u>	<u>Name of Case</u>	<u>Action Appealed</u>	<u>Program</u>	<u>Assigned To</u>	<u>Status</u>
1-23-86	Oelwein Soil Service	Admin. Order	WW	Murphy	Hearing continued; additional testing being done.
6-08-89	Shaver Road Investments	Site Registry	HW	Kennedy	New draft consent order issued to company for approval.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Kennedy	New draft consent order issued to company for approval.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	-----	Settlement proposed.
5-14-90	Alter Trading Corp. (Council Bluffs)	Admin. Order	SW	Kennedy	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status 3/97.
7-02-90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	Site Registry	HW	-----	Hearing continued.
7-30-90	Key City Coal Gas Site; and Howard Pixler	Site Registry	HW	-----	Decision appealed (Pixler).
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site.

10-15-90	Westside General Store Corp.	Admin. Order	UT	Womson	Evaluating inability to pay - UST fund eligibility by county. County to take deed and comply.
12-27-90	McAtee Tire Service, Inc.	Admin. Order	SW	Kennedy	Amended order issued 1/11/96.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Admin. Order/Penalty	SW	Kennedy	Hearing continued. Clean-up continuing slowly due to illness.
5-20-91	Great Rivers Coop-Lockridge	Site Registry	HC	Murphy	Settlement proposed.
9-25-91	Archer Daniels Midland	Admin. Order	SW	Kennedy	DNR engineers reviewing documents.
1-17-92	Hickory Hollow Water Co.	Admin. Order/Penalty	WS	Hansen	Settlement offer to WS. Counter offer 7/13/93. Dept. response on 8/3/93. Facility response 8/11/93. 12/93 Dept. letter to attorney. Negotiating before filing.
1-30-92	Center Oil Co., Inc.	Admin. Order	HC	Murphy	Negotiating before filing.
4-09-92	Wayne Transports, Inc.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
4-15-92	Mulgrew Oil Co.	Admin. Order/Penalty	HC	Womson	Settlement letter sent 8/31/94. SCR completed. Finalizing remediation plan with coal tar site.
4-24-92	Charles A. Kerr	Admin. Order/Penalty	UT	Womson	Financial inability claimed. Warning letter sent 1/25/95. No response. On DNR fund list.
5-05-92	Plymouth Cooperative Oil Co.	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Admin. Order	UT	Womson	Financial inability claimed. Claimant completing financial documents. On DNR fund list.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw County	Admin. Order/Penalty	SW	Kennedy	County to include closing in FY 1997 budget. Meeting held 8/7/97. Scheduling closure work.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Admin. Order/Penalty	UT	Womson	Financial inability claimed. Insufficient documentation. On DNR fund list.
9-21-92	ITWC	Admin. Order/Penalty	AQ	Preziosi	Settlement close. Negotiating penalty.
9-22-92	King's Terrace MHP	Admin. Order/Penalty	WW	Hansen	8/94-Letter to facility regarding resolution of appeal. Follow-up letter 3/96.
11-16-92	Frank Hulshizer	Admin. Order/Penalty	SW	Kennedy	Amended order issued 1/11/96.
12-14-92	Quantum	Permit Conditions	WW	Hansen	3/30/93 Dept. settlement offer made. 5/03/93 response from company. Company collecting data. Company response submitted.
4-05-93	Mapleton, City of	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff.
4-12-93	LeMars, City of	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable.
4-21-93	Donald Udell	Admin. Order/Penalty	SW	Kennedy	Clean-up completed. Penalty settlement due.
6-21-93	Jacobs Energy Corp., Inc.	Permit Denial	AQ	Preziosi	Hearing continued. Meeting held. Settlement close.
7-06-93	Dennis E. Good	Admin. Order	UT	Womson	Tier 1 complete. Tier 2 initiated.
7-09-93	Oakwood Park Water, Inc.	Admin. Order/Penalty	WS	Hansen	Construction permit issued 2/94. Facility to be installed by 11/30/94. Letter to attorney regarding appeal resolution. Response requested by Settlement expected. SCR submitted. Revision required under RBCA.
7-20-93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford	Admin. Order	UT	Womson	RBCA review completed. Settlement meeting scheduled.
7-20-93	U.S. Dept. of Defense	Admin. Order/Penalty	UT	Womson	
11-16-93	Iowa Southern Utilities	Permit Conditions	AQ	Preziosi	8/12/97 - Appeal being reviewed in context of Title V application.
12-23-93	Waverly Gravel & Ready-Mix aka Shell Rock Sand and Gravel	Admin. Order/Penalty	AQ	Preziosi	Negotiating penalty. Settlement close.
1-27-94	Archer-Daniels-Midland	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2-28-94	Coastal Mart - Davenport	Admin. Order/Penalty	UT	Womson	Deficient SCR. Letter sent. Penalty on appeal.
3-03-94	Burlington Northern Railroad	Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96.
5-10-94	Dennis Malone; Joanne Malone	Admin. Order/Penalty	UT	Womson	Untimely appeal. Compliance 3/97. Negotiating penalty.
5-27-94	Joseph L. Ranker; Daryl Hollingsworth	Admin. Order/Penalty	UT	Womson	Tanks closed. Property sold. Buyer is Fund eligible and may do assessments.
6-15-94	Lakeview Heights	Permit Conditions	WS	Hansen	Facility proposal under review by WS. DNR response to appeal - 4/96.
7-12-94	Tom Wiseman	Admin. Order/Penalty	UT	Womson	Appeal untimely. Follow-up letter sent. Fund eligible. Tier I initiated.
8-12-94	Karl and Thelma Boylan d/b/a Boylan's Service	Admin. Order/Penalty	UT	Womson	Inability to pay. Failed to return required documentation. Letter sent 2/27/97.
8-29-94	B and B Tire and Oil	Admin. Order/Penalty	UT	Womson	SCR accepted. Letter sent offering penalty negotiations 8/26/96. Free product report received 10/2/96.

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9-01-94	Elmer R. Faust d/b/a Faust Garage & Grocery	Admin. Order/Penalty	UT	Womson	SCR accepted - negotiating penalty.
9-02-94	Crabtree Lake Resort	Admin. Order/Penalty	WW	Hansen	Facility in compliance.
9-06-94	HEW, inc.	Admin. Order/Penalty	AQ	Preziosi	3/1/96 - Amended order to be issued.
9-09-94	American Coals Corp., Site 5 (Bussey)	Admin. Order/Penalty	SW/AQ	Kennedy	Bankruptcy filed. Phone conversation regarding closure 8/21/97. Working on consent order.
9-15-94	Bankston	Admin. Order/Penalty	WS	Hansen	1/95 - Information from City. Compliance initiated. Respond to City regarding settlement.
9-16-94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel	Admin. Order/Penalty	UT	Womson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further
9-26-94	James D. Foust	Admin. Order/Penalty	SW	Kennedy	Hearing continued by ALJ because of bankruptcy.
10-07-94	Titan Wheel International	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report.
10-19-94	Ronald Sizemore; Mark Murphy	Admin. Order/Penalty	UT	Womson	Inability to pay documented. County took tax deed. Contact regarding UST fund.
10-31-94	Owens & Owens Realty, Inc.; Keith Owens; Howard Maurer	Admin. Order/Penalty	UT	Womson	District Court for judicial review. Fund eligible. Compliance initiated.
11-14-94	Tom Babinat d/b/a Tom's Car Care	Admin. Order/Penalty	UT	Womson	Inability to pay - requested documentation -- no response.
11-28-94	Richard Beckett	Admin. Order/Penalty	UT	Womson	Referral to UST Fund. Follow-up - 3/96.
12-14-94	Campbell Clean-Up Service	Permit Denial	AQ	Preziosi	Negotiating before filing.
1-10-95	Steamboat Rock	Admin. Order	WS	Hansen	2/95 - Settlement offer by City and response by Dept. 4/95 - Dept. letter to City regarding settlement. 5/95 - construction approved by Settlement offer made. FO rejected offer. Phone conversation regarding counter offer.
1-11-95	Henry and Randy Krohn d/b/a Krohn Construction	Admin. Order/Penalty	AQ/SW	Kennedy	
1-13-95	James and Roxann Neneman	Admin. Order/Penalty	UT	Womson	Inability to pay. Forms sent. No response. Follow-up - 3/96. 1/97 - County interested in tax deed.
1-13-95	Simonsen Industries, Inc.	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff.
2-23-95	Lehigh Portland Cement	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96.
2-27-95	Sale-R-Villa Construction	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 11/24/97.
3-23-95	American Coals Corp.	Admin. Order	SW	Kennedy	In bankruptcy. Phone conversation 8/21/97 regarding closure. Phone conversation regarding settlement offer.
4-13-95	The Weitz Corp.; Barton Solvents, Inc.	Admin. Order	HC	Kennedy	Remediation plan received 5/27/96.
5-05-95	C & O Recycling Enterprises; Douglas W. Owen	Permit Denial	AQ	Preziosi	Negotiating before filing.
5-25-95	Marty Feinberg d/b/a Feinberg Scrap Iron; Betty Feinberg; F & F Metals	Admin. Order/Penalty	HC/WW	Kennedy	Hearing continued. Clean-up continuing.
5-25-95	E.I. DuPont DeNemours (95-A-133)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
5-30-95	Earth Media Technologies	Admin. Order/Penalty	SW	Kennedy	In the process of clean-up.
5-31-95	E.I. DuPont DeNemours (91-A-266 thru 91-A-269)	Permit Conditions	AQ	Preziosi	Awaiting engineering evaluation.
6-16-95	Pilot Oil Corporation	Admin. Order/Penalty	WW/UT	Murphy	Site clean-up proceeding.
6-20-95	Toledo, City of	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96.
6-23-95	Leonard C. Page	Admin. Order/Penalty	SW	Kennedy	Penalty settlement due 8/30/97.
7-03-95	Donald J. Foreman d/b/a D & R Feedlots	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
7-05-95	Boyer Valley Co.	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7-10-95	Donald Krieger	Admin. Order/Penalty	UT	Womson	Tanks removed. Report due.
7-10-95	Gilbert Persinger	Admin. Order/Penalty	UT	Womson	SCR received - rejected. Review progress.
7-13-95	Organic Technologies Corp.	Admin. Order	SW	Kennedy	Awaiting EPC decision.
7-28-95	Harold T. Knott; James C. Knott	Admin. Order	UT	Womson	Compliance initiated. SCR under review.
8-01-95	Wilbur McNear d/b/a McNear Oil Co.	Admin. Order/Penalty	UT	Womson	SCR not received as of 2/29/96.
8-18-95	Holiday Mobile Lodge, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Appellant's attorney reply due 2/29/96.

8-18-95	Redmond Enterprises, Inc.	Admin. Order	UT	Womson	Compliance initiated. Selected for innovative technology project. Property under sale - negotiating closure.
8-24-95	Shell Rock Products, Inc.	Admin. Order/Penalty	AQ/SW	Kennedy	Settlement offer due 8/1/96.
9-06-95	Kraft Foods Inc.; Oscar Mayer Division	Variance Denial	WW	Hansen	Follow-up letter requesting information sent 1/12/96. Letter 2/19/96 granting additional time for information. 6/96 - additional
9-20-95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	Admin. Order	WW/HC	Murphy	Negotiating before filing.
10-09-95	E.L. Incorporated	Admin. Order/Penalty	SW	Kennedy	Appellant no longer accepting waste. Renewal permit may be requested.
10-17-95	Tri-County Bank	Admin. Order/Penalty	AQ	Preziosi	Awaiting penalty payment.
10-17-95	Weber Construction, Inc.	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97.
11-03-95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12-12-95	Vernon Kinsinger; K & K Sanitation	Admin. Order/Penalty	AQ/SW	Kennedy	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
12-27-95	Ag Processing, Inc.	Permit Denial	AQ	Preziosi	Negotiating before filing.
12-28-95	Site Services, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 11/25/97.
12-29-95	Spencer Memorial Hospital	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1-04-96	Catherine E. Meredith	Admin. Order	UT	Womson	Compliance initiated by Atlantic Bottling. Comingled with coal tar. Joint agreement with I.E.S.
1-08-96	Westside Park for Mobile Homes	Admin. Order/Penalty	WW	Hansen	Past due monthly monitoring reports submitted to FO 6. Facility inspection 2/28/96 by FO 6.
1-11-96	Climax Molybdenum Company	Admin. Order/Penalty	AQ/HC	Preziosi	Negotiating before filing.
1-12-96	Clarence, City of	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed.
1-22-96	Daryl Hollingsworth and Karen Hollingsworth d/b/a Medora Store	Admin. Order/Penalty	UT	Womson	Tanks removed. Property sold.
1-25-96	Hidden Valley Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
1-25-96	Markley Knock d/b/a Knock's Building Supply	Admin. Order/Penalty	AQ/SW	Kennedy	Phone conference with attorney regarding settlement - due 8/30/97.
2-06-96	Russell Stagg	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
3-04-96	Edward Bodensteiner	Admin. Order/Penalty	UT	Womson	Hearing held 11/7/96. Brief submitted. ALJ decision received - no appeal. Letter to Polk County regarding tax deed.
3-11-96	Dallas County Care Facility	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3-14-96	Laurel, City of	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section.
3-14-96	Lamoni, City of	Admin. Order	WW	Hansen	Flow information requested from City's engineer. To be set for hearing. New waste load allocation and permit limits requested.
3-19-96	Obie's West	Admin. Order	WS	Hansen	Under review by WS section.
3-22-96	Mt. Joy Mobile Home Park	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance.
3-26-96	Louisa-Muscatine Community School	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4-19-96	C & I Eggs	Admin. Order/Penalty	WW	Clark	Draft consent amendment sent for signature.
5-07-96	Lakeview Mobile Home Park	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5-08-96	Vermeer Mfg. Co. (96AQ06)	Admin. Order/Penalty	AQ	Preziosi	Drafting consent order.
5-14-96	Gary Lee Walker	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
5-16-96	Grand Laboratories, Inc.	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under
5-29-96	Haasco, Ltd.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6-07-96	Clow Valve Company	Permit Conditions	AQ	Preziosi	Negotiating before filing.
6-07-96	Koehring Cranes, Inc.	Open Burning Variance Denial	AQ	Preziosi	Negotiating before filing.
6-10-96	DeCoster Farms of Iowa (19 sites)	Admin. Order	WW	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-10-96	DeCoster Farms of Iowa (5 sites)	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6-17-96	Winsor Oil Co., Inc.; Joyce Winsor	Admin. Order/Penalty	UT	Womson	Compliance initiated. CADR received/approved. Fund taking over project.
6-19-96	Appanoose Co. Sanitary Landfill	Permit Modification Denial	SW	Kennedy	Negotiating before filing.

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6-25-96	Bernie Brauns d/b/a Brauns Waste Mgmt. & Excavating	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
7/17/96	Richard L. Magdefrau	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	Permit Denial	WW	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	Admin. Order/Penalty	WW	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart	Admin. Order/Penalty	UT	Womson	Negotiating before filing.
8/19/96	Capitol Oil Co., Inc. d/b/a Dakota Mobile Home Park	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
8/23/96	Waste Management & Design (Monfort)	Admin. Order/Penalty	WW/SW	Kennedy	Settlement pending.
8/30/96	Howard Victor & Wanda Victor	Admin. Order/Penalty	UT	Womson	Closed facility. Negotiating penalty.
9/04/96	Ag Processing, Inc./Sheldon Facility	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/24/96	North Star Steel Iowa	Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32)	Admin. Order	WW	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	Permit Revocation	WW	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International	Permit Conditions	WW	Hansen	Negotiating before filing.
10/28/96	Holliman Ltd.	Admin. Order/Penalty	SW/WW	Murphy	Negotiating before filing.
11/01/96	Joseph Barragy and Tom Barroy d/b/a J & M Woodshavings	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/05/96	Marvin Low d/b/a Low's DX	Admin. Order/Penalty	UT	Womson	Tanks removed. Negotiating penalty.
11/07/96	Todd L. Salow	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
11/08/96	Caseys General Stores, Inc.	Mean Time to Corrosion Failure	UT	Womson	Settlement conference held 2/17/97.
11/08/96	Carroll, City of	Admin. Order/Penalty	WS	Hansen	Returned to compliance.
11/25/96	Camp Golden Valley	Admin. Order/Penalty	WW	Kennedy	Negotiating before filing.
12/02/96	Organic Technologies Corp.	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	Admin. Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97.
1/02/97	Ruan Leasing Co., aka Ruan Transportation Management Systems	Admin. Order	AQ	Preziosi	Negotiating before filing.
1/23/97	Rod Bice	Admin. Order/Penalty	WW	Clark	Draft consent amendment sent 10/16/97.
1/28/97	Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt	Admin. Order/Penalty	SW/AQ	Kennedy	Clean-up complete. Negotiating penalty.
2/07/97	Craig Burgin	Admin. Order/Penalty	UT	Womson	Compliance complete. Negotiating penalty.
2/19/97	Cliff's Place, Inc.	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
2/21/97	Farmland Foods, Inc. (Denison)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
3/04/97	Wayne Johnson	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
3/20/97	Sylvan Acres	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/28/97	Paul Behounek; Todd Behounek	Admin. Order/Penalty	SW/AQ	Kennedy	Negotiating before filing.
4/07/97	AGP, Inc. (Ag Processing, Inc.)	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/10/97	Lehigh Portland Cement	PSD Permit Denial	AQ	Preziosi	Negotiating before filing.
5/07/97	Delaware County Landfill, Inc.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
5/16/97	Carroll Etchen	Admin. Order/Penalty	UT	Womson	Negotiating before filing.

6/06/97	Al DeCarlo Demolition Co.	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
6/06/97	Carroll's Foods of the Midwest	Const. Permit Denial	WW	Clark	Negotiating before filing.
6/10/97	Kruger Seed Co.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/16/97	Ritchie Industries, Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/17/97	Bob Luke d/b/a D & R Tree Service	Admin. Order/Penalty	AQ/SW	Kennedy	Negotiating before filing.
6/30/97	Linwood Mining and Minerals	Admin. Order	AQ	Preziosi	Negotiating before filing.
7/22/97	CIPCO	Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
7/30/97	Country Pumpkin	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
7/31/97	Advanced Technologies Corp.	Admin. Order/Penalty	AQ	Preziosi	New case
7/31/97	Brittany Estates Addition	Admin. Order/Penalty	WS	Hansen	Sent to DIA.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	Admin. Order	SW	Kennedy	Negotiating before filing.
8/05/97	Biovance Technologies	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Tire-Tech Environmental Systems	Admin. Order/Penalty	SW/WW	Kennedy	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; Fayette Co Solid Waste Mgmt. Comm.	Admin. Order/Penalty	SW	Kennedy	Negotiating before filing.
8/15/97	Ralston Purina Co.	Permit Conditions (25 permits)	AQ	Preziosi	Negotiating before filing.
8/18/97	Stellar Industries Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/25/97	Joyce Wagner; Bruce Manthe d/b/a Wagner Truck Wash	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
9/17/97	Keokuk Steel Castings	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/26/97	Walnut Grove Water Co.	Admin. Order/Penalty	WS	Hansen	Under review by WS section.
10/6/97	North Central Cooperative	Admin. Order/Penalty	HC/WW	Murphy	Negotiating before filing.
10/6/97	Big-Ten Mart/Truck Stop	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
10/6/97	Holnam, Inc.	Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/7/97	Ottumwa, City of	Variance Denial	WW	Hansen	Informal meeting held 11/13/97. City to submit proposal.
10/17/97	Iowa Select Farms, L.P.	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
10/22/97	Lehigh Portland Cement Co.	Admin. Order	AQ	Preziosi	Negotiating before filing.
11/19/97	Troy Elevator, Inc.	Admin. Order/Penalty	WW/HC	Murphy	Negotiating before filing.
11/21/97	Iowa Realty - Easter Lake Estates	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/02/97	Dows, City of	Admin. Order	WW	Hansen	New case.
12/03/97	Milton, City of	Admin. Order/Penalty	SW/AQ	Kennedy	New case.
12/05/97	Emery Gingerich d/b/a Gingerich Well and Pump Service	Admin. Order/Penalty	WW	Murphy	New case.
12/08/97	Alan Rasmussen	Admin. Order/Penalty	WW	Clark	New case.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	Notice of Intent to Revoke Solid Waste	SW	Kennedy	New case.
12/22/97	Dave and Kristi Castenson; Donald Fields, Conservator for Thelma Pirie	Harcourt Variance	WW	Hansen	New case.
12/30/97	Ronald Juergens	Admin. Order/Penalty	WW	Murphy	New case.

Mr. Stokes reviewed the monthly reports.

Discussion followed regarding the Poweshiek Rural Water System on the Variance Report, the number of air construction permits issued in the past year, and the number of "as-built" permits waiting to be handled.

<b>INFORMATIONAL ONLY</b>
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### **1997 ANNUAL REPORT: REPORT OF HAZARDOUS WASTE OR HAZARDOUS SUBSTANCE DISPOSAL SITES AND HAZARDOUS WASTE REMEDIAL FUND**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January 1st regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January 1st regarding the Hazardous Waste Remedial Fund.

The 1997 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor after the January 1998 Commission meeting. The report will be distributed at the Commission meeting.

Mr. Stokes expanded on details of the report which will soon be presented to the General Assembly.

Brief discussion followed.

<b>INFORMATIONAL ONLY</b>
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### **PROPOSED RULE--CHAPTER 22, AIR QUALITY PERMITS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The attached draft Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for information.

The purpose of this rule making is to require applicants for air quality construction permits to have the right to use the property on which the applicant wishes to locate and operate the proposed equipment.



This rule will not add any additional documentation to the Air Quality Bureau's construction permit application or effect the application review time. The standard application form will be modified to include language providing for a signed sworn statement that the applicant has the right to locate and operate the proposed equipment on the property identified in the air quality construction permit application.

This rule will prevent the Department from utilizing its resources to evaluate air quality construction permit applications for equipment that may never be constructed because no property rights have been secured.

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 22, "Controlling Pollution", 567 Iowa Administrative Code.

The purpose of this rule making is to require applicants for air quality construction permits to have the right to use the property on which the applicant wishes to locate the proposed equipment. This requirement will not add any additional documentation to the application form or effect the application review time. The standard permit application form will be modified to include language providing for a signed sworn statement that the applicant has the right to locate and operate that equipment on the property identified in the application.

This rule will prevent the Department from utilizing its resources evaluating air quality construction permit applications for equipment that may never be constructed because no property rights have been secured.

Item 1 adds the requirement for air quality construction permit applications to include a sworn statement that the owner/operator of the proposed equipment has the right to install and operate that equipment on the property identified in the application.

Item 2 adds the specific provision that an application for an air quality construction permit may be denied for failure to provide a sworn statement that property rights have been obtained for the installation and operation of the proposed equipment.

Item 3 adds the provision that the Department may revoke an air quality construction permit if the permit holder loses his rights to install and operate permitted equipment on the property for which that equipment was permitted. Additionally, this item provides for revocation of a permit if the property owner no longer wishes to continue the operation of the permitted equipment, or if the owner of the permitted equipment no longer wishes to retain the permit for future operation.

Any person may make written suggestions or comments on the proposed rules on or before \_\_\_\_\_. Written comments should be directed to Doug Campbell, Iowa Department of

Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, IA 50322, FAX (515) 281-8930.

A public hearing will be held on \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_, at which time comments may be submitted orally or in writing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility should contact the Department of Natural Resources to advise the Department of any specific needs.

These amendments are not expected to impact small business.

These amendments are intended to implement Iowa Code section 455B.133.

The following amendments are proposed.

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ITEM 1. Amend 567—22.1(3)b (455B), the required information to be included in an “Application for Permit to Install or Alter Equipment or Control Equipment”, as follows:

- (6) Information pertaining to sampling port locations, scaffolding, power sources for operation of appropriate sampling instruments, and pertinent allied facilities for making tests to ascertain compliance; ~~and~~
- (7) Any additional information deemed necessary by the department to determine compliance with or applicability of rules 22.4(455B) and 22.5(455B); ~~and~~
- (8) A sworn statement that the permit applicant has the right to install and operate the proposed equipment on the property identified in the permit application.

ITEM 2. Amend Rule 22.3(4)(455B), “Denial of a permit”, as follows:

- a. When an application for a construction or conditional permit is denied the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the right of the applicant to file a further application after revisions are made to meet the objections specified as reasons for the denial.
- b. The Department may deny an application based upon the applicant’s failure to provide a truthful sworn statement of rights to install and operate the proposed equipment on the property identified in the permit application.

ITEM 3. Amend 22.3(455B), as follows:

- (7) “Revocation of a permit”. The Department may revoke a permit upon obtaining knowledge that a permit holder has lost its right to install or operate the permitted equipment on the property identified in the permit application, upon notice that the property owner does not wish to have continued the operation of the permitted equipment, or upon notice that the owner of the permitted equipment no longer wishes to retain the permit for future operation.

Mr. Stokes gave a detailed explanation of the rules. He noted that the version the Commission will see in February as a Notice of Intended Action will be somewhat different than the proposed rule. He related that the intent of the rule is to build into the regulations a requirement that one has to demonstrate they have legal access to the property where they are going to place a facility. Mr. Stokes stated that staff will work on building in some language to address portable facilities used by the construction industry. He reported that a bill has been introduced which would propose to do the same thing except it makes the requirement applicable to all permits, not just air quality permits.

<b>INFORMATIONAL ONLY</b>
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### **NOTICE OF INTENDED ACTION--CHAPTER 92, STATE REVOLVING FUND (CWA)**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve a Notice of Intended Action to begin the formal rule making process on proposed revisions in the wastewater revolving fund rules. In keeping with the original intent of the rules and the goals stated in Intended Use Plans for this program, the rules are proposed to be modified to eliminate conditions and federal regulation references which are no longer required by the federal Clean Water Act. Title VI of the Clean Water Act stipulates specific requirements that applied to all projects provided loan funds through FY 1995.

Proposed requirements to be eliminated for new projects are:

- Applicability of Davis-Bacon wage rates to construction contracts
- Planning consideration for innovative/alternative treatment technologies
- Demonstration that a system is not subject to excessive infiltration/inflow and that treatment systems are cost-effective
- Planning requirements for application of best practicable waste technology and analysis of potential recreation and open space opportunities
- Certification of project performance one year after start up

These items are not required by state rules or design standards for projects that do not receive SRF assistance. Additional requirements in the rule that are no longer federal requirements but are important to the financial aspects of the SRF loans will be retained but the federal regulation reference removed. Other minor revisions will update the rule.

### **ENVIRONMENTAL PROTECTION COMMISSION [567] Notice of Intended Action**

Pursuant to the authority of Iowa Code Section 455B.299, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 92, "State Revolving Fund Loans for Wastewater Treatment," Iowa Administrative Code.

These amendments are an update of rules for the administration of the state revolving fund loans for wastewater treatment. They include deletions of requirements for loan recipients no longer required by the federal Clean Water Act and implementing regulations. These amendments will ease the burden on applicants for loan assistance. The "first use" references are no longer necessary as the state has previously met the federal "first use" requirement. References to the program requirements made in the sections pertaining to the capitalization grant and the intended use plan are deleted as they are no longer requirements for the grant and the plan. The section on project requirements lists those items that apply to loans made prior to and following the date these amendments go into effect. The subrule on fundable categories is rescinded also because it is based on federal requirements no longer applicable.

Interested persons may make written comments on these proposed amendments on or before March 13, 1998. Written comments should be directed to Wayne Farrand, Wastewater Section, Iowa Department of Natural Resources, Henry A. Wallace building, 502 East 9th Street, Des Moines, Iowa 50319; fax (515)281-8895.

A public hearing will be held on March 3, 1998, at 10:00 a.m. in the fifth floor conference room of the Henry A. Wallace Building at 502 East Ninth Street, Des Moines, Iowa.

Any persons who intend to attend a public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code sections 455B.291 through 455B.299.

The following amendments are proposed.

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ITEM 1. Amend rule 567--92.3(455B), definition of "Fiscal year," as follows:

"Fiscal year" means the ~~federal~~ state fiscal year starting ~~October~~ July 1 and ending ~~September~~ June 30.

ITEM 2. Rescind subrule 92.4(3) and renumber subrules 92.4(4) through 92.4(10) as 92.4(3) through 92.4(9).

ITEM 3. Amend renumbered subrules 92.4(5) and 92.4(6) as follows:

92.4(6) (56) Eligible recipient determination. Municipalities projected to be able to qualify for SRF assistance will be identified in an annual intended use plan. Only those projects on the current fiscal year state project priority list developed pursuant to 567--Chapter 91 may be considered as an eligible recipient. SRF assistance will be available to projects in priority order ~~with first consideration given to the "first use" criteria of subrule 92.4(3) with first consideration given to the "first use" criteria of subrule 92.4(3).~~

92.4(7) (67) State capitalization grant. The Clean Water Act authorizes the Environmental Protection Agency (EPA) to offer capitalization grants to states for use in a revolving fund loan program ~~through fiscal year 1994. All wastewater treatment projects defined in Section 212 of the Clean Water Act which receive loan assistance from the fund~~

~~before fiscal year 1995 will meet the requirements of Sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(e)(1), and 513 of the Clean Water Act, as described in rule 92.10(455B). All wastewater treatment projects defined in Section 212 of the Clean Water Act which receive loan assistance from the fund before fiscal year 1995 will meet the requirements of Sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(e)(1), and 513 of the Clean Water Act, as described in rule 92.10(455B).~~ A portion of the capitalization grant, as allowed by Title VI of the Clean Water Act, will be used to administer the SRF program.

ITEM 4. Amend subrule 92.5(1) as follows:

92.5(1) Forms. The department will provide an application package to apply for SRF loan assistance and to provide documentation in the program. Forms can be obtained from the Environmental Protection Division, Iowa Department of Natural Resources, Henry A. Wallace Building, 900 502 East Grand Ninth Street, Des Moines, Iowa 50319-0034.

ITEM 5. Amend subrule 92.5(2), paragraph "a," as follows:

a. Two copies of the facility plan certified by a professional engineer ~~registered~~ registered/licensed to practice in Iowa;

ITEM 6. Amend subrule 92.5(3) as follows:

92.5(3) Timing. Applications received for eligible projects by the department on or before July 1 ~~preceding the fiscal year preceding the fiscal year~~ will be given first assigned a priority for loan assistance in the development of the IUP for that fiscal year. Applications received after that date will be considered for addition to the list of eligible recipients in the IUP in priority order following applicants which had applied by July 1.

ITEM 7. Rescind subrule 92.6(2), paragraph "a," subparagraph (1) and renumber subsequent subparagraphs 92.6(2)"a"(2) through 92.6(2)"a"(6) as 92.6(2)"a"(1) through 92.6(2)"a"(5).

ITEM 8. Rescind subrule 92.6(2), paragraph "d," subparagraphs (4) and (5) and renumber subparagraph (6) as subparagraph (4).

~~(4) — 602(b)(5) All SRF funds will be first used toward compliance with the enforceable requirements of the Clean Water Act including the municipal compliance deadline of July 1, 1988.~~

~~(5) — 602(b)(6) All wastewater treatment projects defined in Section 212 of the Clean Water Act which receive loan funds will meet the requirements of Sections 201(b), 201(g)(1), 201(g)(2), 201(g)(3), 201(g)(5), 201(g)(6), 201(n)(1), 201(o), 204(a)(1), 204(a)(2), 204(b)(1), 204(d)(2), 211, 218, 511(e)(1), and 513 of the Clean Water Act.~~

ITEM 9. Amend subrule 92.7(2), paragraph "e," as follows:

e. The applicant has demonstrated its ability to provide the necessary legal, institutional, managerial and financial capability to complete the project ensure adequate construction, operation and maintenance. If the director has reasonable grounds to believe that an applicant's

disposal system is not viable, the department may require the applicant to submit management and financial plans as prescribed in 455B.174.

ITEM 10. Amend subrule 92.8(7) as follows:

92.8(7) Project bypass. Any project identified in the intended use plan for funding in a fiscal year that has not signed a binding commitment by August 31 ~~of~~ following the fiscal year ~~will in which a fundable priority was assigned may~~ be bypassed by projects of a lower priority that are in a state of readiness.

ITEM 11. Amend rule 567--92.10(455B) as follows:

567--92.10(455B) Project requirements. The following requirements of this rule apply to all wastewater treatment projects defined in Section 212 of the Clean Water Act receiving assistance from the SRF and identified in an Intended Use Plan prior to fiscal year 1998. They are identified here with references to sections of the Clean Water Act and federal regulations, where appropriate. All wastewater treatment projects receiving assistance from the SRF and identified in an Intended Use Plan in fiscal year 1998 or after, need only meet the requirements of paragraphs 92.10(1)"a," 92.10(1)"h," 92.10(2)"b," 92.10(2)"c," 92.10(2)"f," 92.10(2)"g," 92.10(2)"h," 92.10(2)"i," and subrule 92.10(3).

92.10(1) Planning. The planning phase of a project includes those necessary plans and studies which directly relate to facilities needed to comply with enforceable requirements of the Clean Water Act and state statutes. It consists of a systematic evaluation of alternatives that are feasible considering the unique demographic, topographic, hydrologic, and institutional characteristics of the planning area. Facilities planning ~~will determine which alternative is cost effective will determine which alternative is cost effective must support selection of the proposed alternative.~~

The planning phase must include the following:

a. A description of the proposed project and the complete system of which it is a part. The facility plan must be prepared in accordance with chapter 11 of the "Iowa Wastewater Facilities Design Standards," and meet the applicable provisions of this subrule.

b. through h. No change.

ITEM 12. Amend subrule 92.10(2), paragraphs "b" and "c" as follows:

b. User charge system -- ~~Section 204(b)(1) requires that a~~ Section 204(b)(1) requires that ~~a~~ a system of user charges must be developed and enacted to ensure that users will pay their proportionate share of the costs of operation and maintenance (including replacement) of any waste treatment services provided by the recipient. A user charge system may also include methods of revenue collection for loan repayments.

c. Recipient capability. The recipient must demonstrate to the department that it has the legal, institutional, managerial and financial capability to ensure adequate construction, operation and maintenance of treatment works, ~~as required by Section 204(b)(1) of the Clean Water Act, as required by Section 204(b)(1) of the Clean Water Act.~~

ITEM 13. Amend subrule 92.10(3) as follows:

92.10(3) Qualifying requirements. ~~The Clean Water Act includes several conditions~~ The Clean Water Act includes several conditions ~~Other information not identified in any particular~~

phase of a project but which are basic qualifying factors necessary to qualify any project for SRF assistance must be provided. ~~These consist of the following: These consist of the following:~~

a. Fundable categories, of projects are as defined in 567--91.6(2), including:

~~(1) Treatment — Section 201(g)(1) limits assistance to projects for secondary treatment, advanced treatment, or any cost effective alternative, new interceptors and appurtenances, and infiltration/inflow correction. This section retains the governor's discretionary set aside by which a state can use up to 20 percent of its allotment for other projects within the definition of treatment works in Section 212(2), and for certain nonpoint source control and groundwater protection purposes, as defined in Section 319 of the Clean Water Act and subsequent agency regulations (40 CFR 35.2015(b)(2)(ii iv): State Priority System and Project Priority List).~~

~~(2) Sewers — governor's discretionary fund — Section 211 provides that major rehabilitation or replacement of collectors is not eligible under the governor's 20 percent discretionary authority of 201(g)(1) unless the collector is needed to ensure the total integrity of the treatment works, or that, for a new collector, adequate capacity exists at the facilities (40 CFR 35.2116 Collection System).~~

~~(3) Combined sewer overflows — Section 201(n)(1) provides that funds under Section 205 may be used for water quality problems due to discharges of combined sewer overflows which are not otherwise eligible, if such discharges are a major priority in a state (40 CFR 35.2015(b)(2)(iv): State Priority Systems — categories of need and 35.2024(a): Combined Sewer Overflows).~~

b. Capital financing plans. ~~Section 201(e) calls on the state to assist eligible~~ Eligible recipients ~~in the development of~~ must develop a capital financing plan which, at a minimum:

(1) Projects the future requirements for waste treatment services within the applicant's jurisdiction for a period of no less than ten years;

(2) Projects the nature, extent, timing, and costs of future expansion and reconstruction of treatment works which will be necessary to satisfy the applicant's projected future requirements for waste treatment services; and

(3) Sets forth with specificity the manner in which the applicant intends to finance such future expansion and reconstruction.

The recipient must submit the plan to the department for any comments deemed necessary.

~~92.10(4) Other.~~

ca. Cost information. Cost estimates for the total project and costs allowable for loan financing shall be provided to the department by an eligible recipient.

db. NPDES compliance. To qualify for an SRF loan, a recipient must demonstrate to the satisfaction of the director that the project receiving loan assistance is a part of the recipient's overall plan that addresses all wastewater treatment needs and that describes how compliance with NPDES permit limitations will be achieved and maintained.

ITEM 14. Rescind subrule 92.10(4).

Mr. Stokes explained details of the rule.

*Motion was made by Rita Venner to approve Notice of Intended Action--Chapter 92, State Revolving Fund (CWA). Seconded by Charlotte Mohr. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Dodger Enterprise Co./Don Grell (Fort Dodge) - solid waste
- b. Terrance Smith - Hidden Valley Mobile Home Court (Washington County) - drinking water

### **Terrance Smith - Hidden Valley Mobile Home Court**

Mr. Murphy briefed the Commission on the history of this case involving ongoing problems with monitoring of their public water supply.

Brief discussion followed.

*Motion was made by Dean McWilliams for referral to the Attorney General's Office. Seconded by Terrance Townsend. Motion carried unanimously.*

**REFERRED**

### **Dodger Enterprise Co./Don Grell**

Mr. Murphy stated staff are requesting that Don Grell and Tire Chop Division be referred in order to obtain an injunction to prohibit the facility from taking in any additional tires. Also, to require that the fire code provisions relating to the existing tire piles be complied with. Mr. Murphy noted that inspection reports documented last fall tires well in excess of the permitted amounts, and there has been no semblance of efforts to comply with the fire code revisions regarding size and separation of tire piles. He stated that staff has taken several efforts



to move Mr. Grell towards compliance and those are currently under appeal. He added that just because there are outstanding appeals it does not mean it is *carte blanche* to continue violating clear rule requirements and the fact that he does not have a permit to have the number of tires that he has there. He related that Mr. Grell indicated in one of the press clippings that he has no intention of complying with the department's requirements and he is going to do whatever he wants to do. He also indicated he can easily drag out an appeal process for one or two years. Mr. Murphy related that does not give Mr. Grell the right to continue to take tires and continue to pile them up in violation of the fire code.

### **Appointment - Don Grell**

Don Grell, owner of Dodger Enterprises Company, stated that he has no argument that he is over count on tires allowed in his permit, adding that he has not been successful in getting the permit changed. He related that he does have fire lanes and has changed them three times since he started the business. He circulated photos taken yesterday showing that a vehicle can drive between any of the tire piles on the property. Mr. Grell said he was written up for violations when there wasn't even any rules yet. He related that no matter what he made he could not sell it because there were no rules for it. He stated that Mr. Paulin went to the Senate last year and got new rules made which required appointment of a Beneficial Use Committee. Mr. Grell related that he was on that committee but the beneficial use has never come out, so he is making items and piling them up. He noted that he cannot get authorization to sell the products and people won't touch it without DNR approval. Mr. Grell circulated photos of some of the items he produces such as mail box posts, flower pots, erosion control rings, and tires that have been through the grinder. He related that Al Stokes has done everything he could to help get it rolling. He added that civil engineers will not use the products because they do not want to argue with DNR. He noted that the rules need to be completed on beneficial use. Mr. Grell stated that Clay Swanson and Bill Jinkinson visited his facility before Christmas and said the place was not changing much. He noted that he has one and a half million dollars invested and he will not walk away from it without a fight. He distributed a packet of materials and related that Ernie Kersten will discuss it with the Commission.

### **Appointment - Ernie Kersten**

Ernie Kersten, Attorney for Don Grell, asked the Commission to deny the department's request for referral to the Attorney General. He reviewed the history of the operation and noted that in 1994 the department had no rules for, or against, the civil engineering applications that he had to do. Mr. Kersten stated that he joined Mr. Grell in June 1995 and at that time he began construction of a drainage project on his property. At that time he also applied for a loan through the Landfill Alternatives Program to purchase a grinder, and the evaluation period for the loan ended on 7/31/95. Mr. Kersten noted that on 7/31/95 the department issued an Administrative Order (AO) against Mr. Grell for constructing the drainage system, of which there were no rules for or against it. He added that Larry Wilson had visited the site before that time and nothing was said. Mr. Kersten related that when the AO was issued it disqualified Mr. Grell from eligibility in the loan program. He stated that in a subsequent meeting with Larry Wilson, DNR staff, and Representative Cormack to work out a way to get the DNR's

approval of the loan applications, an agreement was made that the DNR would respond to a written request within seven days of receiving it. He added that a response was never made. Mr. Kersten stated that in 1996 the Waste Tire Management bill was passed by the legislature and required that DNR develop rules for beneficial use of scrap tires and the department has not yet submitted anything to the Commission. He related that most companies and engineers do not want to work with Mr. Grell and get involved with DNR. He stated that the Fort Dodge Regional Landfill Commission was going to use 750,000 tires as a liner and they ultimately used only 375,000 and wouldn't take any more. Mr. Kersten noted that Mr. Grell has committed everything he has to the project and has gotten no where, and the legislature or the Commission has to tell DNR that these applications do not threaten the environment and shredded tires do not threaten groundwater or contaminate the environment. He related that they are used extensively in other states but because it is classified under the Code as solid waste it is as forbidden as dealing with garbage or hog manure. He reiterated that he is asking the Commission to deny the referral to the Attorney General.

Chairman Ehm asked who the principal holders are in Dodger Enterprises and whether Mr. Kersten has a financial interest.

Mr. Kersten replied that Don Grell is the sole owner and he, himself, has no financial interest in the company and never has had.

Rita Venner asked if there is a written agreement between Dodger Enterprises and the landfill.

Mr. Kersten stated that there is no written agreement but there is ample documentary evidence showing what they agreed to.

Rita Venner asked if Mr. Grell has a grinder now.

Mr. Kersten answered "no," adding that in June 1997 Mr. Grell submitted a request for an amendment to his permit which set forth various categories of products he sought permission to have on inventory, and if the department had granted the amendment he would be in compliance. He related that Mr. Grell's request drew no response from the department. He stated that in October 1997, Mr. Grell submitted a request for renewal of his existing permit and the department made no response until November 21 when the permit expired, and they then said they denied the permit and the previous request for amendment.

Mr. Grell commented that Mr. Stokes is the only one he received any response from in dealing with the department, but then the beneficial use thing came up and killed the whole show. He stated that he never denied being over-count on his tires and expanded how he needs stockpiles to fill his orders. He commented that BFI has over eight million tires ground up which are sitting near Chicago, adding that it isn't just Iowa but is a problem all over. He expanded on how he used 1 inch chips on a pasture to experiment and how it pulls the moisture up, the heat down and stops the wind erosion. He related that DNR should use the taxpayers money to help promote the project and solve the rubber problem in Iowa. He distributed copies of names and

addresses of people requesting information on his products, and copies of requests for various orders.

Rita Venner asked about the proposed beneficial use rules.

Mr. Murphy stated that pursuant to the waste tire law the department was to develop rules defining beneficial uses of waste tires but he does not know the status of those rules. He related that eventually those rules will be developed but that is not the issue. He added that the issue is that staff have not given Mr. Grell carte blanche to do whatever he wants with the tires but have given him quite a bit of leeway and extra time based on promises he made about what he was going to do with the materials. He added that he does not keep his promises and come into compliance. Mr. Murphy stated that one can drive around tire piles with a 16 foot clearance but if they were on fire it could not be done, adding that a 40 foot clearance is needed.

Chairman Ehm commented that he understands there are extenuating circumstance in all cases to be referred, but the question here is if Mr. Grell has exceeded permit allowances and failed to comply with fire lane regulations.

Dean McWilliams stated that if Mr. Grell fails to comply with rules already in existence there is nothing the Commission can do except see that he does comply.

Al Stokes commented that currently if a party wants to make a beneficial use of an end product the department handles such requests on a case-by-case basis. He related that for Mr. Grell the staff have given certain approval letters that he could use as part of a marketing technique. He related that there is a committee working on development of rules for beneficial uses and WMA division is still working on specific aspects of the rules.

Rita Venner asked to go into closed session to discuss the case.

### **Closed Session**

*Motion was made by Rita Venner to go into closed session pursuant to Iowa Code section 21.5(1)(c) to discuss strategy with counsel to discuss matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Gary Priebe. Roll call vote was taken and "Aye" vote was cast by Commissioners Priebe, Townsend, Venner, Giannetto, McWilliams, Mohr, and Ehm. Motion carried unanimously.*

*Motion was made by Charlotte Mohr to adjourn the closed session and to return to open session. Seconded by Terrance Townsend. Motion carried unanimously.*

Chairman Ehm announced that no action was taken or decisions made during the closed session.

*Motion was made by Dean McWilliams that Dodger Enterprise Company and any other individuals involved in the company in the past be referred to the Attorney General. Seconded by Terrance Townsend. Motion carried unanimously.*

**REFERRED**

## 1998 LEGISLATION REVIEW

Larry Wilson, Director, distributed copies of the following list of bills of interest to the Environmental Protection Division and noted that the bills the department submitted are not out of committee. He and Allan Stokes discussed details of each of the bills. Director Wilson stated that he will provide the Commissioners with a copy of the list for their use at the legislative breakfast.

SF 2004	Reporting status of environmental violations by DNR	1/12/98- Ref. to Comm. on Nat. Res. & Env.	Requires annual report to legislature on spill response, and enforcement actions similar to monthly EPC reports.
SF 2010	Permit applications submitted to DNR	1/12/98 - Ref. to Comm. on Nat. Res. & Env.	Requires denial of permit if applicant fails to show ownership interest in location.
HF 2014	State Water Plan	Introduced - Not Assigned.	Requires State Water Plan update by 7/1/2001.
SF 2020	Animal Feeding Operations separation distances from cemeteries	1/12/98 - Ref. to Comm. on Agriculture.	Applies existing separation distances to cemeteries.
HF 2021	Waste Tire Collection / Processing Financial Responsibility	1/13/98 - Ref. to Comm. on Env. Protection. 1/15/98 - Sub-Comm.	Repeals financial responsibility requirements for waste tire storage and processing sites.
HF 2027	Construction Permits for Animal Feeding Operations for Habitual Violators.	1/13/98 - Ref. Comm. on Agriculture.	Provides that any construction permit issued for AFO is automatically suspended on date person is classified as habitual offender
SF 471	Disposal, collection, and recycling of waste oil filters.	1/14/98 - Sub-Comm. - Comm. on Nat. Res. & Env.	Amends Code section 455D.13 to prohibit the disposal of waste oil filters in a sanitary landfill
SF 468	Inspection of certain animal feeding operation structures	1/14/98 - Sub-Comm - Comm. on Nat. Res. & Env.	Requires DNR inspect anaerobic lagoons and basins every 12 months. Annual Report to Legislature.
SF 390	Refunds for tonnage fees paid by operators of sanitary landfills.	1/14/98 - Sub-Comm. - Comm. on Nat. Res. & Env.	Establishes a schedule of refunds of tonnage fee amounts to landfill operators for establishing various recycling or cleanup programs.
SF 2028	Restrictions on siting new sanitary landfills.	1/15/98 - Sub-Comm. - Comm. on Nat. Res. & Env.	Prohibits construction new sanitary landfill at site within five miles of border of adjoining county without the approval of the board of supervisors of the adjoining county.
SF 2036	Regulating confinement feeding operations, and	1/15/98 - Ref. Comm. on Agriculture.	Places various additional restrictions on CAFO's.

	providing an appropriation, fees, and penalties.		
SF 17	Liability for costs associated with a response by the state to a hazardous condition.	1/14/98 - Sub-Comm. - Comm. on Nat.Res. & Env.	Provides a person having control over a hazardous substance is strictly liable for costs incurred by the state in responding to a hazardous condition caused by that person, whether or not cleanup of a hazardous substance occurs.
HF 681	Creating an environmental audit privilege and providing penalties	1/15/98 - Sub-Comm. - Comm. on Env. Prot.	Creates and environmental audit privilege.
HF 673	Collection and recycling of motor oil filters.	1/15/98 - Sub-Comm. - Comm. on Env. Prot.	Prohibits the disposal of oil filters in sanitary landfills.

Brief discussion followed.

**INFORMATIONAL ONLY**

## GENERAL DISCUSSION

### Commissioner Appointment to Leopold Board

Chairman Ehm stated that the last Commissioner appointed to serve on the Leopold Center Board was Kathryn Draeger and since she is off the Commission there is a need to replace her. He asked if anyone would be interested in serving on that board.

Dean McWilliams commented that he has always been interested in the Leopold Center and would be willing to serve on the board.

*Motion was made by Gary Priebe to appoint Dean McWilliams as the Commission's representative to the Leopold Center Board. Seconded by Charlotte Mohr. Motion carried unanimously*

**DEAN MCWILLIAMS APPOINTED**

### State Employee Identification Card

Director Wilson informed the Commission that all commission and board members have the ability to have a personal, state identification card and he distributed copies of an application for same to each Commissioner.

**Mississippi River Parkway Commission Report**

Charlotte Mohr reported that the Mississippi River Parkway Commission met last week and elected new officers. She noted that the national commission is looking at the Iowa commission as a pilot and are excited about what is happening here. Commissioner Mohr related that they are going to have a forum on April 3, at the Putnam Museum, with the Corn Growers Assn., Farm Bureau, and legislative representatives.

**Legislative Recommendations**

Director Wilson stated that the legislators are invited to be at the legislative breakfast at 7:30 a.m. tomorrow. He reviewed the posters outlining the three legislative proposals as follows: 1) Contaminated Pesticide and Fertilizer Sites; 2) Repeal Requirement for Pollution Hotline; and 3) Waste Tire Changes. He also reviewed the Governor's legislative recommendations and expanded on each of the following: 1) County Preemption of Agricultural Zoning; 2) Indemnity Fund; 3) Additional Staff for Enforcement and Regulation; 4) Permit Denial for Chronic Violators; and 5) Water Quality Monitoring and Analysis System. Director Wilson related that he will provide the Commissioners with a copy of these recommendations. He noted that staff will be present to help answer questions.

Allan Stokes stated that one issue which may be discussed is the air quality program funding and noted that the funding relates to the level of service the department provides.

**NEXT MEETING DATES**

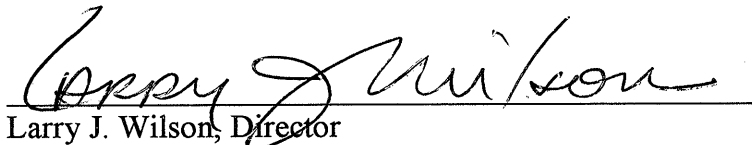
February 16, 1998

March 16, 1998

April 20, 1998

**ADJOURNMENT**

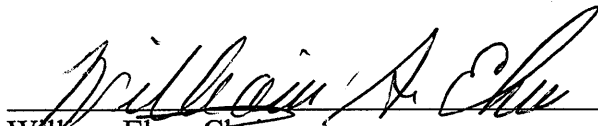
With no further business to come before the Environmental Protection Commission, Chairman Ehm adjourned the meeting at 4:35 p.m., Tuesday, January 20, 1998.

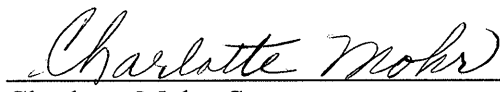


Larry J. Wilson, Director

January 1998

Environmental Protection Commission Minutes

  
\_\_\_\_\_  
William Chu, Chair

  
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Charlotte Mohr, Secretary

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